

Carper questions

- 10:30-analysis of increased cancer risk oiai
- 10:31-analysis of facilities air pollution oiai
- 10:32-will you revoke oiai decision
- 10:33-will you answer Delaware’s petition for downwind pollution
- 10:34-will you not repeal the endangerment finding

Fischer questions

- 10:37-can you describe what the next phase of the regional haze program is
- 10:39-next steps in the wotus rule

Cardin questions

- 10:42-can we get help on the Chesapeake bay funding
- 10:44-would you work with us to get a better result on the Chesapeake bay office
- 10:45-funding on the bay journal

Moran questions

- 10:47-farm emission standards
- 10:48-timeline on advanced biofuels in RFS program
- 10:49-how do you interface with farmers

Booker questions

- 10:52-do we need to fix superfund sites in climate change related areas
- 10:55-how are you considering the age requirement rule that impacts minorities

Ernst questions

- 10:59-can you extend the RVP waiver to provide e15 gas year round
- 11:01-do you support relocating regional offices

Duckworth questions

- 11:03-what is the safe lead level for children
- 11:05-will you finalize the lead and copper rule in 2018
- 11:05-back and forth with duckworth
- 11:06-will you commit to prioritize the lead risk reduction funding
- 11:07-will you fight for funding for lead risk reduction
- 11:07-will you fight to fund the groundwater funding

Inhofe questions

- 11:10-how are you working to ensure that electric costs can remain low
- 11:11-sue and settle
- 11:13-have you worked to lower pollution

Whitehouse questions

- 11:15-trump question
- 11:17-followup trump
- 11:18-followup trump
- 11:19-Oklahoma GOP trip

Boozman questions

- 11:21-Regional haze question
- 11:22-how else have you reached out to States
- 11:23-
- 11:24-sue and settle

Markey questions

- 11:26-toxic chemicals and if they are harmful
- 11:28-cafe standards/California
- 11:29-oiai

11:31-Barrasso oiai comments

Rounds questions

- 11:33-let pruit respond to markey question about oiai
- 11:34-can you promise that you will only use sound science
- 11:36-rfs

Merkley questions

- 11:38-air quality cases, different third party groups ratings
- 11:39-asbestos pollution
- 11:40-do you agree with trump’s comments on asbestos
- 11:40-do you agree with the asbestos standard
- 11:41-will you agree to ban asbestos
- 11:42-are you slow walking the chemical review?

Van Hollen questions

- 11:43-Definers question
- 11:44-are you familiar with nytimes article
- 11:44-are you familiar with definers founders
- 11:47-bay journal funding
- 11:47-Konkus’ comments

Sullivan questions

- 11:50-marine debris
- 11:53-water infrastructure in Alaska
- 11:55-transboundry mines from Canada

Whitehouse 2nd round

- 11:55-may 5th back and forth
- 11:56-Narraganset bay conference

Ernst 2nd round

11:58-

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DT: **Wednesday, December 20, 2017**

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CQ Roll Call (Elvina Nawaguna) – President Trump's performance and impact on coal industry.

E&E News (Sean Reilly) — D.C. Court order on remaining ozone attainment designations.

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Top Stories

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Brownfield Ag News: EPA says Glyphosate does not cause cancer in humans:

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Portland Business Journal: EPA, Four Companies Reach Key Portland Harbor Superfund Cleanup Deal:

<https://www.bizjournals.com/portland/news/2017/12/19/epa-four-companies-reach-key-portland-harbor.html>

The Californian: Salinas Oil Company Penalized for Environmental Violations:

<http://www.thecalifornian.com/story/news/2017/12/19/salinas-oil-company-penalized-environmental-violations/966236001/>

Top Issues and Accomplishments

EPA awarded \$300,000 to West Virginia for air quality programs:

<https://www.epa.gov/newsreleases/epa-awards-300000-west-virginia-air-quality-programs>

EPA and the State of Pennsylvania reached a settlement with the City of Lancaster to curb discharge of sewage and other pollutants:

<https://www.epa.gov/newsreleases/federal-state-settlement-city-lancaster-pa-curb-discharge-sewage-and-other-pollutants>

EPA and the State of Pennsylvania announced at settlement with ArcelorMittal Monessen Coke Plant:

<https://www.epa.gov/newsreleases/settlement-requires-clean-air-act-compliance-arcelormittal-monessen-coke-plant>

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E&E News (Maxine Joselow) — Policy on using certain words in budget proposals.

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POLITICO (Christine Haughney); Prevention magazine (Rene Ebersole) – Glyphosate risk assessment.

Top Stories

The Chicago Tribune: EPA orders companies blamed for East Chicago contamination to pay for cleanup: <http://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-east-chicago-epa-orders-st-1219-20171218-story.html>

Milwaukee Journal: Former Wisc DNR Secretary Cathy Stepp to take charge of EPA's Midwest regional office: <https://www.jsonline.com/story/news/2017/12/19/former-wisconsin-dnr-secretary-cathy-stepp-take-charge-epas-midwest-regional-office/964407001/>

Bloomberg: EPA turns to 'lean manufacturing' to speed up reviews: <https://www.bloomberg.com/news/articles/2017-12-18/pruitt-s-epa-turns-to-lean-manufacturing-to-speed-up-reviews>

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EPA announced the appointment of Cathy Stepp as Region 5 Administrator: <https://www.epa.gov/newsreleases/epa-announces-appointment-cathy-stepp-region-5-administrator>

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To: Abboud, Michael[abboud.michael@epa.gov]
From: Lynn, Tricia
Sent: Thur 5/24/2018 3:23:05 PM
Subject: Automatic reply: EPA Definers Corp. contract

I'm currently out of the office. Please contact AO_OPA_Media_Relations@epa.gov for immediate assistance during normal business hours.

Thanks!

Thank you for your interest in the Environmental Protection Agency. This correspondence concerns your above-referenced Freedom of Information Act (FOIA) request relating to records concerning a contract between the EPA and Definers Public Affairs.

Many people and entities have requested information about these records. We appreciate your patience as we process these requests.

Today we are releasing 58 pages of records to you. This release may include additional records that you have not requested; however, the records are related may be of interest to you.

This interim release includes the following records:

1. Purchase Order EP-18-H-000025 (25 pages)
2. Purchase Order EP-18-H-000025 MOD 1 (7 pages)
3. Purchase Order EP-18-H-000025 JOFOC (7 pages)
4. Initial Statement of Work – Media Support Services (8 pages)
5. Final Statement of Work – Media Support Contract (8 pages)
6. Determinations and Findings 12-7-17 (2 pages)
7. Supporting Memo for Sole Source Purchase Award 12-7-17 (1 page)

This release includes documents that have been partially withheld. The reasons for the withholdings are printed over the redactions. Should you wish to appeal any withholding determination, you will be provided the opportunity to do so at the time of the final release.

The records are available here:

<https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-003680&type=request>

If it is possible for us to do so, we will provide you with interim releases as they become available. If you wish to clarify your request further so that EPA can process your request more efficiently, or if this release satisfies your request and you would like to close your request, the Office of the Administrator is happy to work with you.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; by email, ogis@nara.gov; by telephone, (202) 741-5770 or (877) 684-6448; or by fax: (202) 741-5769.

If you have any additional questions, please contact Kevin Hill at hill.kevinw@epa.gov. Please direct media related inquiries to press@epa.gov.

Thank you.

Office of the Administrator
Environmental Protection Agency

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DT: **Friday, December 15, 2017**

Upcoming Next Week

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- Superfund Site 2017 NPL Deletions - week of 12/18 - press release -- regional amplification.

Inquiries

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The Courier (Sun Prairie, WI): EPA to clean up city site:

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DT: **Monday, December 18, 2017**

Upcoming

- EPA to release Draft Risk Assessments for Glyphosate – listserv posting likely today 12/18
EPA is releasing for public comment the draft human health and ecological risk assessments for glyphosate, one of the most widely used agricultural pesticides in the United States. Glyphosate is used on over 200 crops. Both draft risk assessments are very comprehensive.
- Superfund Site 2017 NPL Deletions - week of 12/18 - press release -- regional amplification - SFTF connection

The U.S. Environmental Protection Agency (EPA) recorded significant improvement in 2017 in completing the final step in the Superfund process by deleting all or parts of seven Superfund sites from the National Priorities List (NPL).

Inquiries

African American Career World magazine (Katie McKy) – Profile of African American employee who loves his/her work.

Argus (Chris Knight) — Unified agenda on GHG program for vehicles.

Associated Press (John Flesher) – Confirmation that Cathy Stepp will be named new Region 5 Administrator.

Bloomberg Environment (Pat Rizzuto) – Asbestos information from industry groups.

Bloomberg Environment (Jennifer Lu) – Timeframe for issuing 120 day letters for ozone designations.

CBS Digital (Katie Watson); CNN (Rene Marsh); New York Times (Lisa Friedman) – Press clippings contract with Definers.

Climate Observatory and Oeco (Claudio Angelo) –Nature magazine profile of Administrator.

CQ Roll Call (Jackie Toth) – Pesticide Program Dialogue Committee Meeting.

E&E News (Sean Reilly); Houston Public Media (Travis Bubenik) – Texas haze plan lawsuit.

Inside Climate News (Marianne Lavelle) – Regulatory/deregulatory actions and ozone.

Inside EPA (Stuart Parker) – Ozone Co-operative Compliance Task Force.

Law 360 (Christine Powell) – Comments on Clean Water Rule

NBC National News (Suzy Khimm) – Lead and copper rule.

POLITICO (Christine Haughney) – Neonics assessments.

POLITICO (Emily Holden) – Confirming retirement of Steve Page and Peter Tsirigotis as new OAQPS lead.

Spectrum News Network (Silvia Gambardella) – Regulation of chemicals.

Vermont Digger (Mike Polhamus) – Clean air lawsuit.

VICE News (Alex Lubben) – Flooding at EPA.

Wall Street Journal (Tim Puko) – Dr. Michael Dourson's role with EPA.

Top Stories

The Hill: Returning Reagan-era Principles to the EPA: <http://thehill.com/opinion/energy-environment/365450-returning-to-reagan-era-principles-to-the-epa>

Politico: EPA to kick off rewrite of Clean Power Plan:

<https://www.politicopro.com/energy/whiteboard/2017/12/epa-to-kick-off-rewrite-of-clean-power-plan-236869>

EPA released its Advanced Notice of Public Rulemaking to Limit GHG at Power Plants:

<https://www.eenews.net/eenewspm/2017/12/18/stories/1060069329>

Top Issues and Accomplishments

EPA ordered potentially responsible parties to clean up USS Lead Superfund site in East Chicago, Ind.:

<https://www.epa.gov/newsreleases/epa-orders-potentially-responsible-parties-clean-uss-lead-superfund-site-east-chicago>

EPA awarded a grant to support a mobile asthma clinic for children in Oakland, Calif:

<https://www.epa.gov/newsreleases/us-epa-grant-supports-mobile-asthma-clinic-east-bay-children>

EPA releases an update on agency actions in response to Hurricane Maria:

<https://www.epa.gov/newsreleases/epa-hurricane-maria-update>

And the same in Spanish language: <https://www.epa.gov/newsreleases/actualizacion-de-la-epa-sobre-el-huracan-maria>

Daily Communications Report: EPA

TO: White House Cabinet Affairs Communications

FR: EPA Office of Public Affairs

DT: **Monday, December 18, 2017**

Upcoming

- EPA to release Draft Risk Assessments for Glyphosate – listserv posting likely today 12/18
EPA is releasing for public comment the draft human health and ecological risk assessments for glyphosate, one of the most widely used agricultural pesticides in the United States. Glyphosate is used on over 200 crops. Both draft risk assessments are very comprehensive.
- Superfund Site 2017 NPL Deletions - week of 12/18 - press release -- regional amplification - SFTF connection

The U.S. Environmental Protection Agency (EPA) recorded significant improvement in 2017 in completing the final step in the Superfund process by deleting all or parts of seven Superfund sites from the National Priorities List (NPL).

Inquiries

African American Career World magazine (Katie McKy) – Profile of African American employee who loves his/her work.

Argus (Chris Knight) — Unified agenda on GHG program for vehicles.

Associated Press (John Flesher) – Confirmation that Cathy Stepp will be named new Region 5 Administrator.

Bloomberg Environment (Pat Rizzuto) – Asbestos information from industry groups.

Bloomberg Environment (Jennifer Lu) – Timeframe for issuing 120 day letters for ozone designations.

CBS Digital (Katie Watson); CNN (Rene Marsh); New York Times (Lisa Friedman) – Press clippings contract with Definers.

Climate Observatory and Oeco (Claudio Angelo) –Nature magazine profile of Administrator.

CQ Roll Call (Jackie Toth) – Pesticide Program Dialogue Committee Meeting.

E&E News (Sean Reilly); Houston Public Media (Travis Bubenik) – Texas haze plan lawsuit.

Inside Climate News (Marianne Lavelle) – Regulatory/deregulatory actions and ozone.

Inside EPA (Stuart Parker) – Ozone Co-operative Compliance Task Force.

Law 360 (Christine Powell) – Comments on Clean Water Rule

NBC National News (Suzy Khimm) – Lead and copper rule.

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And the same in Spanish language: <https://www.epa.gov/newsreleases/actualizacion-de-la-epa-sobre-el-huracan-maria>

To: Marsh, Rene[Rene.Marsh@cnn.com]
Cc: Press[Press@epa.gov]; Wallace, Gregory[gregory.wallace@turner.com]; Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 9:48:56 PM
Subject: Re: CNN

It's also not accurate to call it a no-bid contract. Below is our statement about that as well:

“When the government seeks to sole-source a contract, notice must be placed on Fedconnect or Fedbizops so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work. In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.” - EPA spokeswoman, Nancy Grantham

On Dec 15, 2017, at 4:44 PM, Marsh, Rene <Rene.Marsh@cnn.com> wrote:

Hello,

CNN has learned On December 7, EPA signed a \$120,000 one-year contract for "news analysis and brief service" with Definer Public Affairs, a Republican opposition research firm. CNN is looking for information on why this company was hired? Why it was a no bid contract?

Thank you,

— René Marsh

CNN

Correspondent

Twitter: @Rene_MarshCNN

Office: 202- 777-7249

To: Marsh, Rene[Rene.Marsh@cnn.com]
Cc: Press[Press@epa.gov]; Wallace, Gregory[gregory.wallace@turner.com]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 9:47:04 PM
Subject: Re: CNN

“The Definers contract is for news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesperson Nancy Grantham

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Correspondent

Twitter: @Rene_MarshCNN

Office: 202- 777-7249

To: Rebecca Leber[rleber@motherjones.com]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Wed 5/23/2018 9:39:54 PM
Subject: RE: Request for comment on Definers contract, deadline end of day

“The Definers contract was for news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesman, Jahan Wilcox

From: Rebecca Leber [mailto:rleber@motherjones.com]
Sent: Wednesday, May 23, 2018 5:14 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Request for comment on Definers contract, deadline end of day

We're publishing a followup on the Definers contract from December. Emails obtained via FOIA show the EPA relied only on information provided by Definers to determine whether the \$120k contract was "fair and reasonable."

Can you respond to the charge that EPA "should have engaged in market research, i.e. learning what others are charging for comparable services, at a minimum."?

Thank you

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Friday, December 15, 2017 7:13 AM
To: Rebecca Leber
Cc: Grantham, Nancy
Subject: FW: Request for comment on Definers contract, deadline end of day

The Definers contract is for media monitoring/newsclip compilation.

The contract award was handled through the EPA Office of Acquisition Management.

Thank you.

From: Rebecca Leber <rleber@motherjones.com>
Date: December 14, 2017 at 3:36:29 PM EST
To: Press <Press@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Subject: Request for comment on Definers contract, deadline end of day

Writing to request comment on federal records showing that the EPA has hired Definers Corp., a PR firm associated with GOP campaigns, on a \$120,000 federal contract to conduct media monitoring.

What work was Definers hired for?

Can you comment on Jahan Wilcox's connections to the staff at Definers, and if he or any other staff played a role in facilitating the contract?

My deadline is end of the day, thank you

Rebecca Leber

To: Block, Molly[block.molly@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Daniell, Kelsi[daniell.kelsi@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Abboud, Michael
Sent: Mon 12/18/2017 6:47:10 PM
Subject: Re: From the Weekly Standard

Except this part is not the case. Definers is doing this on their own, not at anyone's direction.

In other words, rather than simply fire or demote employees who undermine the agency's leadership, EPA administrator Scott Pruitt's team sought to document the times when these activities took place while the employees were at work.

Sent from my iPhone

On Dec 18, 2017, at 12:33 PM, Block, Molly <block.molly@epa.gov> wrote:

Follow up: <http://www.weeklystandard.com/editorial-theres-no-scandal-at-the-epa/article/2010883>

Editorial: There's No Scandal at the EPA

"Another entry from the authoritarian handbook," says David Axelrod. MSNBC's Chris Hayes thinks it's a "hunt" for "ideological subversives." The public is financing "lies" to "eviscerate environmental protections," according to Robert Reich.

Liberals accuse their adversaries of fascism pretty regularly these days, so you likely have no idea what is worrying these lefty grandees. To be specific: Over the weekend the *New York Times* published a story about the Environmental Protection Agency hiring a public relations firm to investigate "agency employees who have been critical of the Trump administration." A vice president of the firm, Definers Public Affairs, explains it to the *Times* straightforwardly: they were asked to look into whether EPA employees "were emailing critical things about the agency on government time and how frequently they were corresponding about this."

In order to discover if employees were engaging in "resistance" activities on the clock, Definers submitted Freedom of Information requests to the agency about the employees. In other words, rather than simply fire or demote employees who undermine the agency's leadership, EPA administrator Scott Pruitt's team sought to document the times when these activities took place while the employees were at work.

There is no scandal here. The lawfully appointed head of an agency has every right to find out if employees are actively undercutting his mission and getting paid to do so. Pruitt is loathed by the environmental militants inside the EPA (to understand why, read Fred Barnes's feature story in the December 25 WEEKLY STANDARD). The use of FOIA requests is an open and lawful way to deal with those who aren't simply voicing legitimate policy differences but actually impairing the agency's director. Definers only used public information to file its requests, not internal documents (an important point ignored by the *Times* in both the original story and a follow-up). That Pruitt's team dealt with the problem of internal opposition not by secret purges but by use of

open-records requests shows a reverence for transparency and the rule of law. If an “authoritarian” regime wanted to “hunt down ideological subversives,” it wouldn’t use FOIA requests. It would just fire them.

The *Times* is viscerally hostile to Pruitt, and it is hardly surprising that one of its reporters would find a scandal where there is nothing of the sort. Surely a reporter who claims in his Twitter bio that “transparency matters a lot to me” might have stopped to consider this obvious point. But for our paper of record, too often “transparency” only matters when it yields the right kind of political results.

From: Bowman, Liz

Sent: Friday, December 15, 2017 4:27 AM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; Block, Molly <block.molly@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

Subject: Fwd: From the Weekly Standard

Full article

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; McCluney, Lance[McCluney.Lance@epa.gov]
From: Quarles, Michael
Sent: Tue 12/19/2017 5:05:38 PM
Subject: Definers

Hi Nancy,

Wanted to give you a heads up that OAM is going to do a termination for convenience on the Definers contract. The contract is being terminated per a protest from another vendor. As you may remember, anytime you or your office request a sole source contract it must be posted and reviewed by the public. I recommend utilizing open competition as often as possible to avoid these issues. If you have any question on this matter please contact Rayna Brown in OAM.

Have a great day,

Michael G. Quarles
Acquisitions and Assistance Manager
Office of Administrative and Executive Services
US Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460
Mail Code 6202A
(202) 343-9970

To: McCluney, Lance[McCluney.Lance@epa.gov]
Cc: Allen, Reginald[Allen.Reginald@epa.gov]
From: Quarles, Michael
Sent: Tue 1/9/2018 8:37:08 PM
Subject: RE: PROPOSED OAM RESPONSE + DOCUMENTS >> RE: REQUEST FOR YOU IMMEDIATE ACTION Re: Congressional - Oversight request on Definers Inc. contract
[OAM Edits Whitehouse News Analysis 1-5-18.docx](#)
[Documents to Congressional Response.pdf](#)

Here are the edits moving on to Lottie Plater and Keith Stewart for submission to OCIR.

Have a great day,

Michael G. Quarles
Acquisitions and Assistance Manager
Office of Administrative and Executive Services
US Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460
Mail Code 6202A
(202) 343-9970



To: Interested Parties
From: Joe Pounder, President, America Rising Corp.
Date: May 22, 2017
Subject: Media Monitoring Services In 2017-2018

Project Scope:

Provide comprehensive media monitoring of news about Administrator Scott Pruitt and specifically about the Environmental Protection Agency (EPA).

Media Monitoring:

Definers Public Affairs can provide comprehensive war room-style media monitoring focused on stories about Administrator Pruitt and the Environmental Protection Agency. This monitoring would include print and online sources, national and local TV, and social media. Stories would be compiled into a **daily matrix** about Administrator Pruitt (example below). While not alerting stories throughout the day with a campaign-level intensity, Definers **will alert major stories as they develop**. Examples of a **Print Alert** and **TV Alert** are below.

The monitoring will focus on stories about Administrator Pruitt and the EPA and not stories about environmental policy in general. The ultimate goal of the monitoring is to provide your team with a greater understanding of the Administrator's and Agency's coverage throughout the day.

In the next three months, Definers will be rolling out for its monitoring clients a new Console that will make all news clips alerted available via login in addition to email notifications. The Console has a powerful search function that will allow users to easily find the clips they need for ongoing projects.

Timeline:

Definers can begin providing immediate support upon execution of an agreement.

Budget:

To accomplish this level of monitoring support, Definers proposes a retainer of **\$10,000 per month** for a term of one-year.

Sample Matrix/Compendium

EPA Clips

May 22, 2017

Print

Brian Dabbs, "EPA Experts Increasingly Shut Out Of Public Statements, Some Complain", Bloomberg, 5/22/17

Joe Wertz, "With Pruitt Leading EPA, Oklahoma Oil Firm Gains Ground In Fight Against Regulation", Stateimpact OK, 5/22/17

Staff, "EPA Workers Plan Rally To Protest Proposed Budget Cuts", Associated Press, 5/21/17

Rafi Letzter And Madeleine Sheehan Perkins, "Scott Pruitt's First 100 Days At The EPA Have Shown He's Unlike Any Former Chief", Business Insider, 5/21/17

Tom Mclaughlin, "EPA Announces Funding Available For Panhandle Estuary Program", Northwest Florida Daily News, 5/21/17

Lauren Cross, "Judge Denies Superfund Residents Court Intervention In EPA Cleanup", NWI Times Indiana, 5/21/17

Staff, "Polluters Are Expecting Big Savings From Scott Pruitt's EPA", Daily Kos, 5/21/17

Miranda Green And Rene Marsh, "President's Fiscal 2018 Budget Would Slash EPA Spending By 30%", CNN, 5/20/17

Hiroko Tbuchu And Eric Lipton, "How Rollbacks At Scott Pruitt's E.P.A. Are A Boon To Oil And Gas", New York Times, 5/20/17

Rick Keigwin, "EPA Collaborates With Growers On Risks", Iowa Farmer Today, 5/20/17

Adam Wernick, "EPA Administrator Scott Pruitt Is Not Making Anyone Happy Right Now", PRI, 5/20/17

Timothy Gardner, "White House Moving Ahead With Stiff EPA Budget Cuts: Group, Citing Document", Reuters, 5/19/17

Brady Dennis, "EPA To Set Aside \$12 Million For Buyouts In Coming Months", Washington Post,

5/19/17

Jennifer Ludden, "Public To EPA On Cutting Regulations: 'No!'", [NPR](#), 5/19/17

Jason O. Boyd, "Congressman Jones Calls For Removal Of EPA Regulation Impacting Aurora Mine", [WCTI Washington](#), 5/19/17

Caitlyn Stuplin, "EPA Preparing Cleanup Plan For West Deptford Superfund Site", [NJ Advance Media](#), 5/19/17

Staff, "EPA Partners With Quapaw Tribe Of Oklahoma To Continue Cleanup At Tar Creek Superfund Site; Epa Awards Over \$4 Million To Tribe", [Galena Sentinel Times](#), 5/19/17

Chris White, "EPA Official Invites Left-Wing Environmental Group To Agency For Talk On Science", [Daily Signal](#), 5/19/17

Marianne Lavelle And Georgina Gustin, "Trump Budget Would Wallop EPA's Climate And Environment Programs", [Inside Climate News](#), 5/20/17

Emily Atlin, "Scott Pruitt Is The Hypocritical Liar That Trump Deserves", [New Republic](#), 5/19/17

Andrew Freedman, "EPA Leader To Get More Bodyguards While Cutting Other Agency Staff", [Mashable](#), 5/19/17

Staff, "EPA Chairman Scott Pruitt On Potential Ramifications Of Pulling Out Of The Paris Climate Agreement: We Are The United States, We Don't Lose Our Seat At The Table", [Fox News Radio](#), 5/19/17

TV/Radio

5/22/17 [NPR](#): Discussion On The EPA Decision To Reverse The Chlorpyrifos Ban

Social

[@EmilyAtkin](#): "Scott Pruitt is touring conservative media outlets claiming Obama's EPA didn't accomplish anything. This is...false"

[@Bruneski](#): "Don't agonize, organize! How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas [nyti.ms/2qF7RrK](#)"

[@RepHankJohnson](#): "The budget's [#TrumpCuts](#) at EPA will negatively impact: -the AIR we breathe -the WATER we drink -the CLIMATE we leave our kids"

[@RepStefanik](#): "Sent a letter to the EPA expressing my concerns over the dismissal of members of

the Board of Scientific Counselors... It's critical that the EPA continues to use the highest quality research when making policy decisions."

@Heritage: "Conservatives should be excited about the new @EPA agenda. bit.ly/2qKfqyb"

@AGRutledge: "I have a duty on behalf of Arkansans to provide a list of regulations to the EPA that should be rolled back. [#arpx](https://www.arkansasag.gov/media-center/n...) | [arkansasag.gov/media-center/n...](https://www.arkansasag.gov/media-center/n...)"

@AGRutledge: "The EPA has a unique opportunity to evaluate its regulatory programs and identify what is working and not working. [arkansasag.gov/media-center/n...](https://www.arkansasag.gov/media-center/n...)"

Sample Print Alert:

Exclusive: Trump EPA Transition Chief Laments Slow Progress In Killing Green Rules

Reuters

By Valerie Volcovici

May 22, 2017

<https://www.reuters.com/article/us-usa-trump-ebell-exclusive-idUSKBN18I196>

The man who led President Donald Trump's transition team for the U.S. Environmental Protection Agency, Myron Ebell, told a conservative conference last month that the new administration is moving too slowly to unravel climate change regulations.

In closed-door remarks to members of the conservative Jefferson Institute in Virginia on April 18, a recording of which was obtained by Reuters, Ebell said Trump's administration had made a series of missteps, including delays in appointing key EPA officials, that could hamper efforts to cut red tape for industry.

"This is an impending disaster for the Trump administration," Ebell, a prominent climate change doubter, said in the recording provided to the Center for Media and Democracy and shared with Reuters.

Ebell was chosen by Trump's campaign to lead the EPA's transition until the Jan. 20 inauguration, a choice that had reinforced expectations Trump would follow through on promises to rescind Obama-era green rules and pull the United States out of a global pact to fight climate change.

Ebell had been seen as a candidate for the EPA administrator job, a post that ultimately went to former Oklahoma Attorney General Scott Pruitt.

Ebell no longer works at the agency but remains influential within a faction of the U.S. conservative movement with ties to the Trump administration. His criticism reflects a broader disappointment by some conservatives about Pruitt's focus and commitment to scrapping even more complex Obama-era regulations.

Since taking office, Trump and Pruitt have moved to unwind environmental regulations, including former President Barack Obama's Clean Power Plan to reduce carbon emissions from electricity generators.

But his administration has frustrated some conservatives by entertaining the idea of remaining in the Paris Climate Agreement, and hesitating to tackle the Obama-era "endangerment finding" that concludes carbon dioxide is a public health threat and underlies many U.S. regulations governing emissions. Lawyers have said challenging that scientific finding could be time consuming and legally complex.

Pruitt has said he does not want the United States to remain in the Paris agreement but he has not yet decided to tackle the endangerment finding. At least three conservative groups have filed petitions asking the EPA to overturn the finding.

"Paris and the endangerment finding are the two big outstanding issues. It's the first wave of things that are necessary to turn this country around, particularly in the heartland states," Ebell said at the conference.

Ebell cited the slow pace of key EPA appointments, including deputy administrator and various assistant administrators, a lack of experienced personnel at the White House, deep ideological divisions between the president's close advisers, and an "imperfect choice" of EPA administrator, as the main reasons Trump was not acting more aggressively on climate rules.

He said Trump strategists should have allowed his transition team to roll out the full de-regulatory agenda before Trump took office, instead of delaying. "The new president doesn't have long before inertia sets in," he said.

He also found fault in Trump's choice of Pruitt to run the EPA, saying the former state attorney is a "clever lawyer" but his "political ambition" may distract him from taking-on time-consuming efforts like challenging the endangerment finding.

A spokesman for Pruitt responded to Ebell's assertions, saying Pruitt had been implementing Trump's executive orders and had spearheaded "about two dozen regulatory reform actions" since taking up his position.

Ebell also faulted Trump for choosing advisers with broadly different political perspectives and backgrounds - something he said was triggering paralyzing debate, instead of action.

"He's got people on different sides and they are all fighting over who gets these jobs and nobody has the clout except the president to say, 'Hey fix this, let's get this done,'" Ebell said.

In a statement given to Reuters on Saturday, Ebell said he is still concerned about the White House log-jam in nominating people for key EPA posts and the delay in making the Paris decision.

But he said he supports Pruitt as an administrator and is encouraged by his recent actions.

"Pruitt was an excellent choice to head the EPA, and minor disagreements aside, his recent actions have made me even more confident that he will be an outstanding administrator," he said.

A White House official did not respond to a request for comment.

Sample TV Alert

Administrator Pruitt Discusses Plans And Leadership For The Environmental Protection Agency

Fox & Friends

May 17, 2017

<http://mms.tveyes.com/transcript.asp?StationID=130&DateTime=5/17/2017%206:47:40%20AM&playclip=true>

Steve: Good morning to you.

Administrator Pruitt: Good morning. Good to be back with you.

Steve: the press made President Obama out to be the environmental savior. And yet, when you look at the number of toxic dumps left on your plate, it's a big number.

Administrator Pruitt: Absolutely. in fact, Ainsley, you said these fights across the country have some of the uranium and lead, posing great risk to the citizens in those areas. And examples where the E.P.A. didn't take any steps at all. We have a site outside of St. Louis called Westlake that's taken the E.P.A. 27 years just to make a decision. Not clean it up, but to make a decision on what should be done to clean it up.

Steve: That crosses both Democrat and Republican administrations.

Administrator Pruitt: Absolutely, and I think when you look at the environmental left they look at the past administration as an environmental savior. When you look at areas of contaminant in this country that don't meet the air quality standards, almost 40% of the country that qualify there. 120 million people. We had Gold King in Colorado. Flint in Michigan with water. The super fund sites across the country. the area that they focused on, the CO2 reductions they struck out twice on as far as regulations. The supreme court struck them down twice.

Ainsley: What does this mean for the folks that are watching this? Does this mean can you get cancer if you are exposed to all of this?

Administrator Pruitt: Possibly, yes. And that's why it's so important to focus the core of the mission on those areas. This president is a doer, an action oriented leader. the past administration talked a lot. this administration is actually taking steps to do things to clean up the environment. We're focusing on those areas you mentioned.

Brian: super fund sites that need to be cleaned up. What's your first target?

Administrator Pruitt: We are very focused on Westlake. I was in East Chicago about three weeks ago. a site that has lead as well.

Brian: do you know how to do it?

Administrator Pruitt: We have a plan in place that we're going to announce very soon on Westlake. So it's very important to make those citizens know we are going to take steps to clean up and clean it up quickly.

Ainsley: Mr. Pruitt, we are talking about memos and what's happening in the white house. this is what the American public really needs to be focused on

Steve: our personal safety.

Ainsley: protecting our kids from cancer.

Administrator Pruitt: They want leadership. and this president is providing leadership it in so many areas, and it gets lost in Washington, D.C. malaise in all these areas.

Steve: provide leadership to do what with the environment."

Administrator Pruitt: Clean up these sites. set a goal and say 1322 sites unacceptable. 27 years to make a decision is unacceptable. Let's get St. Louis cleaned up.

Steve: how much is it going to cost?

Administrator Pruitt: The great thing about this is we have private funding. There are people out there responsible for these sites to clean up. There is money out there to do so. it's not a matter of money. it's a matter of leadership and attitude and management. we need to do it much better.

brian: when are you going to make a decision on leaving and staying in paril, the paris agreement.

Administrator Pruitt: I think when the president gets back from the G7. I'm actually attending the G7 in early June as well and there will be a decision on Paris. Very important we make decisions there soon.

Brian: it will be one of the big top topics.

Brian: Great to see you.

EAS

Help

Home

Sign Out

■ Requisition: PR-OA-17-00132 (BASE/In Progress)



NAVIGATOR



DETAILS



MESSAGES



ACCESS



HISTORY

Summary

Draft DCN number: 1611H21
Version: BASE

Status: In Progress
Stage: Requisition

Total Items: 1

Commitment Amount

Total: \$ 120,000.00
Appropriated: \$ 120,000.00
Non-Appropriated: \$ 0.00

Total Amount: \$ 120,000.00



CHANGE ROUTE



CANCEL ROUTE



PRINT



VALIDATE

Other Actions



Requisition PR-OA-17-00132 is currently in progress.

What would you like to do?

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Statement of Work
Daily News Briefing
U.S. Environmental Protection Agency

Part I: General Information

Summary

The following details the U.S. Environmental Protection Agency's (EPA) requirements for the collection and dissemination of daily print and broadcast news content related to EPA interests. The purpose of this daily content and related services is to afford EPA executives, Public Affairs staff, and other EPA staff comprehensive situational awareness of important developments on EPA issues as reported in the national and international news media.

Background

EPA's Office of Public Affairs (OPA) is the primary office for all EPA communications. The Associate Administrator for the office serves as advisor to the Administrator on all issues concerning short-term and long-term strategic communications. The office serves as the principal news media gateway for official agency announcements, press releases and statements, speeches, congressional and public hearing testimony and other documents of public interest. In its efforts to respond to media inquiries, strategically manage agency external public communications, and better enable the dissemination of public information during an emergency response activity, OPA needs the ability to monitor breaking news, editorials, longer form journalism projects, and the larger public conversation about health impacts related to the environment and general environmental protection. A daily news briefing service affords OPA this capability.

Scope or Objectives

The Office of Public Affairs seeks to provide its personnel, regional public affairs staff, and agency senior leadership with a customized media coverage service focusing on EPA work and other topical areas of interest selected by EPA. This service shall allow personnel to have better situational awareness, as well as better support both proactive and reactive public communications strategies. A daily compendium of media coverage shall be provided to EPA each day electronically and shall contain a topical index and links.

In addition to the daily compendium, this service will also provide alerts by e-mail to select EPA employees throughout the day. The service provides "war room" coverage at the request of EPA, when EPA determines that a greater level of media coverage is needed for a particular

issue or event. Lastly, this service will provide a searchable database of all media coverage that has been collected for EPA.

Part II: Work Requirements

Technical Requirements

The contractor's deliverable product must:

1. Utilize:
 - a. Articles and broadcasts from major U.S. newspapers, national television and cable news, newsweeklies, relevant magazines and journals, blogs, specialty press, etc.;
 - b. Reflect understanding of EPA's mission and interests;
 - e. When requested, characterize the coverage such that EPA officials can quickly get a sense of how widely various story elements were run.
2. Provide links within the coverage to the original full-text versions when available on the original publishers' websites and to streaming video of important television as originally broadcast;
3. Provide exceptional customer service, including 24/7 access by EPA to contractor's account managers, analysts, and senior managers, to permit last-minute changes to topics, deadlines, and specific guidance from the EPA to the contractor regarding stories to be included and the extent of coverage desired.
4. Coverage should, at a minimum, include the following topic areas:
 - a. Administrator
 - b. Air
 - c. Brownfields/Superfund/Other cleanups
 - d. Budget
 - e. Climate Change
 - f. Emergency Response
 - g. Energy
 - h. Enforcement
 - i. Environmental Justice
 - j. EPA
 - k. Grants
 - l. Hazardous waste
 - m. Pesticides
 - n. Research and Development
 - o. Rules/Regulations/Policy
 - p. Toxics/TSCA
 - q. Trash/recycling/composting/solid waste
 - r. Water

Formatting of the compendium will be at the discretion of the contractor, but they must be easy to read with a reasonable type and size font.

The contractor shall deliver the daily compendium by 8:00 a.m. Eastern Time. This briefing will go to a listserv maintained by the contractor of approximately 600 people. This daily compendium will include media coverage from the preceding 24-hour period, except in the case of the daily compendium for Monday mornings, which will also capture media coverage from the weekend. Alerts on breaking news will be delivered throughout the day from 8:00 am to 11:00 pm Eastern Time.

At EPA's request, the contractor will provide "war room" style coverage of specific events or issues. This coverage will provide intensive coverage of breaking news stories and trends. In addition, at EPA's request, the contractor will provide video content related to the specified events or issues.

All content shall be delivered daily, Monday through Friday and observing the legal holidays below. The two days for Thanksgiving will include Thanksgiving Day and the day after Thanksgiving. The two days for Christmas will vary based on which day of the week Christmas falls and will be worked out between EPA and the contractor.

New Year's Day

Martin Luther King's Birthday Presidents' Day

Memorial Independence Day Labor Day Columbus Day Veteran's Day

Thanksgiving Day (two days) Christmas day (two days)

Inauguration Day (when applicable)

Part III: Supporting Information

Period of Performance

The Period of Performance shall be for one year with four one year options, and shall not exceed five years' total



To: Interested Parties
From: Joe Pounder, President, America Rising Corp.
Date: May 22, 2017
Subject: Media Monitoring Services In 2017-2018

Project Scope:

Provide comprehensive media monitoring of news about Administrator Scott Pruitt and specifically about the Environmental Protection Agency (EPA).

Media Monitoring:

Definers Public Affairs can provide comprehensive war room-style media monitoring focused on stories about Administrator Pruitt and the Environmental Protection Agency. This monitoring would include print and online sources, national and local TV, and social media. Stories would be compiled into a **daily matrix** about Administrator Pruitt (example below). While not alerting stories throughout the day with a campaign-level intensity, Definers **will alert major stories as they develop**. Examples of a **Print Alert** and **TV Alert** are below.

The monitoring will focus on stories about Administrator Pruitt and the EPA and not stories about environmental policy in general. The ultimate goal of the monitoring is to provide your team with a greater understanding of the Administrator's and Agency's coverage throughout the day.

In the next three months, Definers will be rolling out for its monitoring clients a new Console that will make all news clips alerted available via login in addition to email notifications. The Console has a powerful search function that will allow users to easily find the clips they need for ongoing projects.

Timeline:

Definers can begin providing immediate support upon execution of an agreement.

Budget:

To accomplish this level of monitoring support, Definers proposes a retainer of **\$10,000 per month** for a term of one-year.

Sample Matrix/Compendium

EPA Clips

May 22, 2017

Print

Brian Dabbs, "EPA Experts Increasingly Shut Out Of Public Statements, Some Complain", Bloomberg, 5/22/17

Joe Wertz, "With Pruitt Leading EPA, Oklahoma Oil Firm Gains Ground In Fight Against Regulation", Stateimpact OK, 5/22/17

Staff, "EPA Workers Plan Rally To Protest Proposed Budget Cuts", Associated Press, 5/21/17

Rafi Letzter And Madeleine Sheehan Perkins, "Scott Pruitt's First 100 Days At The EPA Have Shown He's Unlike Any Former Chief", Business Insider, 5/21/17

Tom McLaughlin, "EPA Announces Funding Available For Panhandle Estuary Program", Northwest Florida Daily News, 5/21/17

Lauren Cross, "Judge Denies Superfund Residents Court Intervention In EPA Cleanup", NWI Times Indiana, 5/21/17

Staff, "Polluters Are Expecting Big Savings From Scott Pruitt's EPA", Daily Kos, 5/21/17

Miranda Green And Rene Marsh, "President's Fiscal 2018 Budget Would Slash EPA Spending By 30%", CNN, 5/20/17

Hiroko Tsuchi And Eric Lipton, "How Rollbacks At Scott Pruitt's E.P.A. Are A Boon To Oil And Gas", New York Times, 5/20/17

Rick Keigwin, "EPA Collaborates With Growers On Risks", Iowa Farmer Today, 5/20/17

Adam Wernick, "EPA Administrator Scott Pruitt Is Not Making Anyone Happy Right Now", PRL, 5/20/17

Timothy Gardner, "White House Moving Ahead With Stiff EPA Budget Cuts: Group, Citing Document", Reuters, 5/19/17

Brady Dennis, "EPA To Set Aside \$12 Million For Buyouts In Coming Months", Washington Post,

5/19/17

Jennifer Ludden, "Public To EPA On Cutting Regulations: 'No!'", NPR, 5/19/17

Jason O. Boyd, "Congressman Jones Calls For Removal Of EPA Regulation Impacting Aurora Mine", WCTI Washington, 5/19/17

Caitlyn Stuplin, "EPA Preparing Cleanup Plan For West Deptford Superfund Site", NJ Advance Media, 5/19/17

Staff, "EPA Partners With Quapaw Tribe Of Oklahoma To Continue Cleanup At Tar Creek Superfund Site; Epa Awards Over \$4 Million To Tribe", Galena Sentinel Times, 5/19/17

Chris White, "EPA Official Invites Left-Wing Environmental Group To Agency For Talk On Science", Daily Signal, 5/19/17

Marianne Lavelle And Georgina Gustin, "Trump Budget Would Wallop EPA's Climate And Environment Programs", Inside Climate News, 5/20/17

Emily Atlin, "Scott Pruitt Is The Hypocritical Liar That Trump Deserves", New Republic, 5/19/17

Andrew Freedman, "EPA Leader To Get More Bodyguards While Cutting Other Agency Staff", Mashable, 5/19/17

Staff, "EPA Chairman Scott Pruitt On Potential Ramifications Of Pulling Out Of The Paris Climate Agreement: We Are The United States, We Don't Lose Our Seat At The Table", Fox News Radio, 5/19/17

TV/Radio

5/22/17 NPR: Discussion On The EPA Decision To Reverse The Chlorpyrifos Ban

Social

@EmilyAtkin: "Scott Pruitt is touring conservative media outlets claiming Obama's EPA didn't accomplish anything. This is...false"

@Bruneski: "Don't agonize, organize! How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas nyti.ms/2qF7RrK"

@RepHankJohnson: "The budget's #TrumpCuts at EPA will negatively impact: -the AIR we breathe -the WATER we drink -the CLIMATE we leave our kids"

@RepStefanik: "Sent a letter to the EPA expressing my concerns over the dismissal of members of

the Board of Scientific Counselors... It's critical that the EPA continues to use the highest quality research when making policy decisions."

@Heritage: "Conservatives should be excited about the new @EPA agenda. bit.ly/2qKfqyb"

@AGRutledge: "I have a duty on behalf of Arkansans to provide a list of regulations to the EPA that should be rolled back. #arpx | arkansasag.gov/media-center/n..."

@AGRutledge: "The EPA has a unique opportunity to evaluate its regulatory programs and identify what is working and not working. arkansasag.gov/media-center/n..."

Sample Print Alert:

Exclusive: Trump EPA Transition Chief Laments Slow Progress In Killing Green Rules

Reuters

By Valerie Volcovici

May 22, 2017

<https://www.reuters.com/article/us-usa-trump-ebell-exclusive-idUSKBN18I196>

The man who led President Donald Trump's transition team for the U.S. Environmental Protection Agency, Myron Ebell, told a conservative conference last month that the new administration is moving too slowly to unravel climate change regulations.

In closed-door remarks to members of the conservative Jefferson Institute in Virginia on April 18, a recording of which was obtained by Reuters, Ebell said Trump's administration had made a series of missteps, including delays in appointing key EPA officials, that could hamper efforts to cut red tape for industry.

"This is an impending disaster for the Trump administration," Ebell, a prominent climate change doubter, said in the recording provided to the Center for Media and Democracy and shared with Reuters.

Ebell was chosen by Trump's campaign to lead the EPA's transition until the Jan. 20 inauguration, a choice that had reinforced expectations Trump would follow through on promises to rescind Obama-era green rules and pull the United States out of a global pact to fight climate change.

Ebell had been seen as a candidate for the EPA administrator job, a post that ultimately went to former Oklahoma Attorney General Scott Pruitt.

Ebell no longer works at the agency but remains influential within a faction of the U.S. conservative movement with ties to the Trump administration. His criticism reflects a broader disappointment by some conservatives about Pruitt's focus and commitment to scrapping even more complex Obama-era regulations.

Since taking office, Trump and Pruitt have moved to unwind environmental regulations, including former President Barack Obama's Clean Power Plan to reduce carbon emissions from electricity generators.

But his administration has frustrated some conservatives by entertaining the idea of remaining in the Paris Climate Agreement, and hesitating to tackle the Obama-era "endangerment finding" that concludes carbon dioxide is a public health threat and underlies many U.S. regulations governing emissions. Lawyers have said challenging that scientific finding could be time consuming and legally complex.

Pruitt has said he does not want the United States to remain in the Paris agreement but he has not yet decided to tackle the endangerment finding. At least three conservative groups have filed petitions asking the EPA to overturn the finding.

"Paris and the endangerment finding are the two big outstanding issues. It's the first wave of things that are necessary to turn this country around, particularly in the heartland states," Ebell said at the conference.

Ebell cited the slow pace of key EPA appointments, including deputy administrator and various assistant administrators, a lack of experienced personnel at the White House, deep ideological divisions between the president's close advisers, and an "imperfect choice" of EPA administrator, as the main reasons Trump was not acting more aggressively on climate rules.

He said Trump strategists should have allowed his transition team to roll out the full de-regulatory agenda before Trump took office, instead of delaying. "The new president doesn't have long before inertia sets in," he said.

He also found fault in Trump's choice of Pruitt to run the EPA, saying the former state attorney is a "clever lawyer" but his "political ambition" may distract him from taking-on time-consuming efforts like challenging the endangerment finding.

A spokesman for Pruitt responded to Ebell's assertions, saying Pruitt had been implementing Trump's executive orders and had spearheaded "about two dozen regulatory reform actions" since taking up his position.

Ebell also faulted Trump for choosing advisers with broadly different political perspectives and backgrounds - something he said was triggering paralyzing debate, instead of action.

"He's got people on different sides and they are all fighting over who gets these jobs and nobody has the clout except the president to say, 'Hey fix this, let's get this done,'" Ebell said.

In a statement given to Reuters on Saturday, Ebell said he is still concerned about the White House log-jam in nominating people for key EPA posts and the delay in making the Paris decision.

But he said he supports Pruitt as an administrator and is encouraged by his recent actions.

"Pruitt was an excellent choice to head the EPA, and minor disagreements aside, his recent actions have made me even more confident that he will be an outstanding administrator," he said.

A White House official did not respond to a request for comment.

Sample TV Alert

Administrator Pruitt Discusses Plans And Leadership For The Environmental Protection Agency

Fox & Friends

May 17, 2017

<http://mms.tveyes.com/transcript.asp?StationID=130&DateTime=5/17/2017%206:47:40%20AM&playclip=true>

Steve: Good morning to you.

Administrator Pruitt: Good morning. Good to be back with you.

Steve: the press made President Obama out to be the environmental savior. And yet, when you look at the number of toxic dumps left on your plate, it's a big number.

Administrator Pruitt: Absolutely, in fact, Ainsley, you said these fights across the country have some of the uranium and lead, posing great risk to the citizens in those areas. And examples where the E.P.A. didn't take any steps at all. We have a site outside of St. Louis called Westlake that's taken the E.P.A. 27 years just to make a decision. Not clean it up, but to make a decision on what should be done to clean it up.

Steve: That crosses both Democrat and Republican administrations.

Administrator Pruitt: Absolutely, and I think when you look at the environmental left they look at the past administration as an environmental savior. When you look at areas of contaminant in this country that don't meet the air quality standards, almost 40% of the country that qualify there. 120 million people. We had Gold King in Colorado. Flint in Michigan with water. The super fund sites across the country. the area that they focused on, the CO2 reductions they struck out twice on as far as regulations. The supreme court struck them down twice.

Ainsley: What does this mean for the folks that are watching this? Does this mean can you get cancer if you are exposed to all of this?

Administrator Pruitt: Possibly, yes. And that's why it's so important to focus the core of the mission on those areas. This president is a doer, an action oriented leader. the past administration talked a lot. this administration is actually taking steps to do things to clean up the environment. We're focusing on those areas you mentioned.

Brian: super fund sites that need to be cleaned up. What's your first target?

Administrator Pruitt: We are very focused on Westlake. I was in East Chicago about three weeks ago. a site that has lead as well.

Brian: do you know how to do it?

Administrator Pruitt: We have a plan in place that we're going to announce very soon on Westlake. So it's very important to make those citizens know we are going to take steps to clean up and clean it up quickly.

Ainsley: Mr. Pruitt, we are talking about memos and what's happening in the white house. this is what the American public really needs to be focused on

Steve: our personal safety.

Ainsley: protecting our kids from cancer.

Administrator Pruitt: They want leadership. and this president is providing leadership it in so many areas, and it gets lost in Washington, D.C. malaise in all these areas.

Steve: provide leadership to do what with the environment."

Administrator Pruitt: Clean up these sites. set a goal and say 1322 sites unacceptable. 27 years to make a decision is unacceptable. Let's get St. Louis cleaned up.

Steve: how much is it going to cost?

Administrator Pruitt: The great thing about this is we have private funding. There are people out there responsible for these sites to clean up. There is money out there to do so. it's not a matter of money. it's a matter of leadership and attitude and management. we need to do it much better.

brian: when are you going to make a decision on leaving and staying in paril, the paris agreement.

Administrator Pruitt: I think when the president gets back from the G7. I'm actually attending the G7 in early June as well and there will be a decision on Paris. Very important we make decisions there soon.

Brian: it will be one of the big top topics.

Brian: Great to see you.

Region 1

Hot Topics

EPA Concludes the First Historic Community Gathering on PFAS

Region 1 and OA hosted the first PFAS Community Engagement session in Exeter, NH on June 25 and 26. The two-day event drew more than 250 participants. The first evening included presentations from six different community groups impacted by PFAS and nearly 50 people offered oral testimony. The second day included a moderated panel with representation from the six new England state environmental agency and NYDEC. Overall, the two-day community engagement event encouraged community members to voice concerns and feedback. The Summit will be incredibly valuable to the development of EPA's PFAS management plan and understanding of PFAS chemicals in New England. The event drew extensive national and regional press coverage.

Local Job Training Opportunities at the New Bedford, MA Harbor Cleanup Site

On June 21, a public meeting was held at Fairhaven Town Hall to discuss the progress made at the New Bedford Harbor cleanup over the past 6 months. Public response was positive. In addition, the Region is responding to community requests by working with the US Army Corps of Engineers and the contracting community at the site to see if it will be possible to provide a Superfund Job Training Initiative (SuperJTI) job training institute at the site in approximately 3 months. OLEM personnel indicated that the training can be brought to the Site if the contractors can demonstrate the need for a minimum of 8 trainees. We are also working with the City of New Bedford Department of Public Infrastructure to see if they can utilize trainees to help meet the 8 trainee minimum.

Lessons Learned During RCRA FIRST Training

On June 21, Maine Department of Environmental Protection (MEDEP) hosted a RCRA FIRST training provided by EPA for MEDEP and regulated facility representatives. The RCRA Facilities Investigation Remedy Selection Track (FIRST) Toolbox for Corrective Action distills practical lessons learned and experiences contributed by federal, state, and regulated community representatives involved with investigation and remedy selection. This toolbox is the result of two Kaizen events.

Advances in Clean Air Act Compliance as Vermont Fire Academy Trains Local Partners

On June 22, Region 1 sponsored an ammonia refrigeration training at the Vermont Fire Academy in Pittsford, VT. Attendees included industry representatives as well as state and local partners. The training provided important information on industry standards, regulatory requirements, safe ammonia refrigeration practices, and information concerning EPA's recent efforts to improve Clean Air Act compliance in this sector.

Upcoming Major Decisions and Events

Enforcement Team Meets with State Leadership

On July 9, RA Dunn and the Region 1 enforcement leadership team will meet with the Massachusetts Department of Environmental Protection enforcement leadership team to share enforcement priorities, discuss shared compliance assurance activities, communication protocols, and opportunities for EPA support and assistance. Earlier this week similar meetings occurred with the Maine Department of Environmental Protection and the New Hampshire Department of Environmental Services in Augusta, ME and Concord, NH, respectively.

Region 2

Hot Issues:

Chemours, Deepwater, NJ: Region 2 continues to coordinate with NJDEP to explore Gen-X contamination at the Chemours site in Deepwater, NJ. On 6/21 Chemours provided EPA sampling results for nearby monitoring and private wells, and the Pennsville public water supply. In three residential private wells, GenX was detected prior to existing point-of-entry-treatment 11, 13 and 14 ppt. Sampling after the GAC systems were non-detect (with a reported detection limit of 10 ppt). Six of eight monitoring wells showed GenX (the highest reported value was 280 ppt). Samples at the Pennsville public water supply system (PWS) were non-detect; Chemours is awaiting agreement from the Penns Grove PWS for access to sample. Chemours has collected additional process-related samples and will provide a full report next week. Region 2 and NJ DEP are formulating next steps and will provide an update to Headquarters shortly.

Incorporating Green Infrastructure into PR Building Code: Region 2 is engaging with the PR Planning Board and Construction Permits office to incorporate green infrastructure requirements into the PR stormwater construction regulations and the PR building code. This innovative effort will provide multiple environmental benefits for future growth and development in PR.

Operation of USVI Wastewater Treatment Plants: On 6/25, the USVI federal district court directed VIWMA to engage in mediation with their contract operator, Veolia, to address non-payment for operation of the St. Thomas and St. Croix sewage treatment plants. The contractor Veolia was poised to walk off the job as a result of nonpayment of \$5.6 million in contractual payments from the Authority. Region 2 has developed an alternate management strategy, should mediation fail, to ensure that the plants continue to operate.

PR Aqueduct and Sewer Authority - Extension of Forbearance Agreement: Region 2 continues to coordinate with Headquarters to seek structured repayment of the sum of roughly \$17 million in SRF loans from PRASA. Within the next week OMB and Treasury representatives associated with the Recovery Senior Federal Leadership Group (RSFLG), will be joining the effort to seek reimbursement from PRASA on behalf of EPA and other affected federal agencies.

PJP Landfill Superfund Site Excellence in Site Reuse Award Announcement: At a 6/28 press event in Jersey City, NJ, RA Pete Lopez announced that the PJP site is the recipient of this national award. The site highlights job creation and community recreation efforts which have resulted in employment of more 1200 people, and a payroll of nearly \$51 million annually as well the establishment of recreation trails opening up access to the Hackensack riverfront.

American Cyanamid SF Site (Bridgewater, NJ): Region 2 is receiving comments on the recently published proposed cleanup plan for the final Operable Unit at this site. Significant commentary was provided by NJ Sierra Club Chapter's comments congratulating EPA on the plan. The ROD for this cleanup will be signed by the Administrator (project cost exceeds \$50m).

Upcoming:

Columbia Smelting/Red Hook Ball Field SF Site (Brooklyn, NY): EPA will be joining The City of New York at a public meeting concerning this lead contamination site on July 11th. NYC will report it is significantly accelerating the cleanup.

Wolff-Alport/Gowanus SF Sites (Brooklyn/Queens, NY): In collaboration with Rep. Velasquez, EPA is coordinating an Open House for businesses that will be dislocated due to the remediation of this site. Region 2 is taking a proactive lead to provide comprehensive support to impacted business and is bringing federal, state

and city agencies, and NGOs such as the Chamber of Commerce, to provide a full spectrum of financial and technical assistance and guidance.

Region 3

Hot Topics

EPA and the Pennsylvania Department of Transportation have Agreed to Settle a Multi-Site Construction-Related Stormwater Case

EPA and the Pennsylvania Department of Transportation (PennDOT) have agreed to settle a multi-site construction-related stormwater case. The parties are resolving 191 violations for failure to perform self-inspections at construction sites and at least 18 violations for failure to implement best management practices. The settlement, encompassed in a Consent Agreement and Final Order as well as an Administrative Order on Consent, require PennDOT to pay a penalty of \$100,000, implement a Compliance Management Program and implement an environmentally beneficial program in the Codorus Creek Watershed.

Civil Rights Complaint Filed Against Virginia Department of Environmental Quality

By letter dated June 18, 2018, the Blue Ridge Environmental Defense League filed a complaint against the Virginia Department of Environmental Quality (VADEQ). This administrative complaint, which was filed with EPA's External Civil Rights Compliance Office (ECRCO) in the Office of General Counsel, alleges that VADEQ violated Title VI of the Civil Rights Act of 1964 through its permitting actions associated with the Atlantic Coast Pipeline (ACP). The ACP is a proposed 600-mile underground natural gas pipeline which will originate in West Virginia, travel through Virginia and end in North Carolina. The ACP project includes three proposed compressor stations—one at the beginning of the pipeline in West Virginia (Lewis County), one in central Virginia (Buckingham County) and one near the Virginia-North Carolina state line (Northampton County, NC). ECRCO has already acknowledged receipt of the complaint and now must decide whether to accept or reject the complaint for investigation. A similar Title VI complaint has been filed by an environmental group against the North Carolina Department of Environmental Quality (NCDEQ) regarding the ACP. As with the VADEQ complaint, ECRCO is deciding whether to accept or reject the NCDEQ complaint for investigation. Region III has spoken about this matter with ECRCO and will continue coordinating with it throughout the Title VI process.

Funding Approved for Time-Critical Removal Action at the Quad Avenue Chemical and Bio Fuels Site in Baltimore, Maryland

On June 22, 2018, an Action Memo was signed approving funds to mitigate the threats at an abandoned industrial facility in Baltimore where several businesses produced various epoxy and bio fuels products. Based on initial observations, more than one thousand containers of unknown contents are located onsite, which require response actions to secure, stabilize, characterize and segregate for off-site disposal the hazardous substances, pollutants or contaminants therein. Region 3 is now attempting to secure access to the premises in order to conduct the response actions.

First MDE/DoD Partnership Meeting in Four Years

On June 20, 2018, approximately 40 MDE and DoD representatives met at the EPA Environmental Science Center for the first MDE/DoD partnership meeting since 2014. EPA representatives, Kate McManus (WPD), Samantha Beers (OECEJ), Justin Young (OECEJ), Dan Isales (ORC) and José Jiménez (OECEJ) participated at the meeting. Secretary, Ben Crumbles offered the welcome remarks. Some of the topics discussed were MCLs for PFOA and PFOS, MDE will continue to track greenhouse gases to

achieve their 2050 target of 80 percent reduction, and Chesapeake Bay related topics like Watershed Implementation Plan (WIP) and BMPs. The meeting also included breakout sessions, to discuss important issues at specific DoD facilities, which included the Fort Detrick water release incident.

Region 4

Hot Issues

Draft Environmental Impact Statement (DEIS) for South Florida Water Management District (SFWMD) Section 203 Everglades Agricultural Area Southern Reservoir and Stormwater Treatment Area

Key Message: Region 4 is in the process of finalizing the DEIS letter to the Jacksonville District of the Army Corps of Engineers (Corps) regarding the SFWMD's tentatively selected plan for modifications to the previously Congressionally-authorized Central Everglades Planning Project (CEPP). The proposed project's goal is to improve the quantity, quality, timing and distribution of water flows to the Northern Estuaries, Water Conservation Area 3, Everglades National Park, and Florida Bay while increasing water supply for municipal, industrial and agricultural users to a greater extent than would be accomplished in the authorized Central Everglades Planning Project. Region 4 will likely send a letter supporting the project and concur with the Corps.

Mississippi Phosphates Corporation (Pascagoula, MS)

Key Message: Region 4 is in the process of finalizing the contracting options for the Mississippi Phosphates Corporation remedy using the artificial turf cover on the gypsum stack. Depending on the outcome of the Request for Proposals, the Region will likely decide between using one of the region's existing Emergency and Rapid Response Services contractors or the company providing the artificial turf.

North Carolina Radon Grant

Key Message: The North Carolina Department of Health is in violation of an EPA State Indoor Radon Grant (SIRG) due to the improper listing of a company on their website that has not received a passing rate under EPA's radon proficiency program. EPA is considering several options to deal with this including, (1) withholding SIRG funding; (2) deferring action until the state lawsuit is resolved; (3) continuing SIRG funding but requiring NCDOH to have a disclaimer on the website; (4) removing the terms & condition language from the NCDOH SIRG; or (5) evaluating Inspector nation to determine if it qualifies as a certified radon service provider. Anticipated briefing for AA Bill Wehrum scheduled for July 3rd.

North Carolina PFAS Meeting

Key Message: Region 4 is coordinating closely with HQ (OPA and OW) and the state of North Carolina on the upcoming PFAS engagement meeting, tentatively planned for the week of August 13th.

Upcoming Major Decisions and Events

Decisions

Grenada – The Region's position based on the information and proposed remedy submitted by the PRP.

Region 5

HOT ISSUES:

EPA and Illinois EPA Act on Elevated Levels of ethylene oxide in Willowbrook, Illinois

Key message: After identifying ethylene oxide (EtO) emissions from the Sterigenics facility, EPA and Illinois EPA, in partnership with the company, have taken actions to reduce emissions.

On June 26, Illinois EPA issued a construction permit, allowing Sterigenics to route previously uncontrolled EtO emissions to an existing scrubber. On June 27, EPA and Illinois EPA met with Sterigenics to discuss this project. Sterigenics expects to complete construction in 4-6 weeks and have committed to work cooperatively and share information about their reduced EtO emissions after the construction is completed.

Office of Inspector General Flint Report Expected to be Released Week of June 25

Key Message: The Region and HQ are coordinating on developing a desk statement in preparation for the release.

The agency has concurred with OIG's recommendations and provided a response on May 30, 2018. The Office of Water, the Office of Enforcement and Compliance and Region 5 have already taken steps to implement several of those recommendations and will continue to expeditiously adopt the rest.

Franklin, Indiana Residents Attribute Childhood Cancer Cases to Chemical Exposure

Key Message: EPA has been requested by a citizens group to investigate contamination in Johnson County, including the former Amphenol site, and will coordinate with Indiana Department of Environmental Management and Department of Defense.

EPA will evaluate old and new data at the former Amphenol site, a federal lead RCRA Corrective Action site, in order to determine whether additional remedial work is needed to protect the community from volatile organic compound exposure. EPA will address issues found at the Amphenol site to assure public health is protected from undue risk.

General Iron Emission Testing Results Received June 27

Key Message: Results show that the facility in one of Chicago's rapidly developing neighborhoods emits volatile organic compounds, particulate matter, chlorofluorocarbons, and detectable levels of metals, including zinc, mercury, and lead.

General Iron conducted the sampling as required by a Clean Air Act information request issued by EPA in November 2017. EPA is analyzing the results to assess accuracy and to determine whether General Iron is complying all applicable Clean Air Act and health standards.

UPCOMING EVENTS/MAJOR DECISIONS:

NONE

Region 6

Hot Topics

HP Cylinders Emergency Response, Baytown, Texas

Cylinder removal began work inside the fenced cylinder storage area to address 1500 abandoned and deteriorating cylinders of dangerous compressed. A total of 109 cylinders were inventoried and staged.

Lake Texoma Emergency Response, Bryan County, Oklahoma

The truck and trailer were recovered and secured on June 26, 2018 and discharged oil from the truck was removed for disposal. CERCLA response will involve the underwater recovery and removal of solvent based paints and muriatic acid. The Potential Responsible Party plans to conduct the recovery, removal and disposal of remaining hazmat.

Bird Creek, Osage County, Oklahoma

Technical discussion with the Respondents continue to progress. Region 6 has proposed three technical options to the respondents to address elevated saline conditions in Bird Creek and resolve EPA's administrative orders. The DOJ, EPA and three Respondents will hold the next settlement meeting the week of July 9.

Grants Mining District, New Mexico

Region 6 conducted confirmation sampling of a Section 25 residence site located in the Grants Mining District. Seven-day radon canisters were placed inside the residence and results are anticipated in two to three days. If results are greater than the acceptable standard of 4 pCi/l, EPA will proceed with a Removal Action with completion prior to July 1, 2018.

Illinois River Watershed, Arkansas and Oklahoma

Region 6 continues to conduct weekly calls with ADEQ Director Keogh and OK Secretary Teague to advance improvements to water quality in the watershed. The states have drafted an agreement to identify measures to meet the 0.37 mg/l phosphorus standard and a timeframe for completion. The agreement should be finalized and made public in July. Both states continue to engage stakeholders defining implementation measures including Cherokee Nation. EPA has scheduled modeling scenario training from July 9-11 in West Siloam Springs, OK.

Texas Regional Haze

EPA is subject to a Consent Decree (CD) to complete action on a plan to address best available retrofit technology (BART) for Texas regional haze and interstate visibility transport. There is a dispute between the parties whether EPA has performed the necessary action to lead to termination of the CD. In an earlier status report, EPA informed the court that it will publish a notice of proposed rulemaking (NPRM) in the Federal Register. On June 25, 2018, the court instructed EPA to inform the court by July 2 why it has not yet issued the NPRM and when it intends to do so. The region is drafting a declaration in response to this order which will explain the work conducted to date and a timeline for the NPRM.

Tar Creek Superfund Site, Ottawa County, Oklahoma

Region 6 plans to begin providing bottled drinking water to the property owners of an abandoned smelter site located within the site. The Ottawa County Health Department reported that child who frequently visits the property has elevated concentrations of blood lead. Subsequent investigations by the Oklahoma Department of Environmental Quality (ODEQ) indicated elevated concentrations of lead in the soil. EPA and the ODEQ are meeting with the child's family this week to determine a course of action.

Louisiana Offshore Oil Port (LOOP), Louisiana

On June 28 Region 6 held technical discussions to better understand the operations of LOOP (Louisiana Offshore Oil Port) in the Gulf of Mexico, located approximately 18 miles off the coast of Louisiana. These discussions are critical to completing the NEPA compliance document to support the issuance of a new CWA permit (jointly by EPA Region 6 and LDEQ) as well understanding the operations at the Marine Terminal under the Deepwater Port Act to determine applicability of the CAA for the terminal.

EPA and New Mexico Produced Water Memorandum of Understanding

The terms and principles of a MOU for produced water have been agreed to by the State of New Mexico and EPA, and the document is being routed for signature. The immediate action under the MOU is for the parties to create a working group, create a white paper on produced water specially for NM and look at produced water management approaches including re-use, recycling, and renewable water.

Wilcox Oil Company Superfund Site, Bristow, Oklahoma

On July 10, 2018, Region 6 and the Oklahoma Department of Environmental Quality will host a public meeting to discuss the Source Control Proposed Plan for the Wilcox Oil Company site. This cleanup proposal will address tank waste and lead additive area sources, and provides for the cleanup of nine source areas, and implements a Superfund Taskforce recommendation. The public comment period starts June 28, 2018, and ends on July 31, 2018. Region 6 intends to issue a press release.

MacMillan Superfund Site, Norphlet, Arkansas

Region 6 intends to initiate a time-critical emergency response action to remove asbestos from the MacMillan Superfund Site which is currently on the National Priorities List. EPA conducted a site walk-through to observe site conditions at a former refinery site located adjacent to a middle school and a city park that contains asbestos contaminated areas. EPA is proposing the removal of the asbestos-impacted areas before school starts on August 15, 2018.

ExxonMobil Mont Belvieu Plant, Baytown, Texas

Region 6 and TCEQ continue to discuss technical concerns regarding the draft permit for ExxonMobil Chemical Company's Mont Belvieu Plastic plant. The draft permit includes a request for a temporary variance from the water quality-based whole effluent toxicity (WET) standards, and thus removal of the current WET limits for sublethal effects that became effective June 2016. The extended deadline for permit review is August 22, 2018.

City of Albuquerque, New Mexico

On June 25, the city of Albuquerque rejected the informal agreement offered by the EPA External Civil Rights Compliance Office as it was not responsive to the Title VI Complaint and "is not a fair resolution." Further, the city believes the information provided rebuts the allegations and the complaint should be dismissed.

Upcoming Major Decisions and Events

Donna Reservoir and Canal System Superfund Site, Donna, Texas

The Draft Record of Decision (ROD) for the Dona Canal Superfund site has been routed for review and comment by EPA Headquarters and Texas Commission on Environmental. The Draft ROD describes the EPA's Selected Remedy, and includes a "Responsiveness Summary" which responds to over 90 public comments received during the Proposed Plan public comment period. EPA is requesting that comments on the Draft ROD be provided within 30 days.

OK 2012 PM2.5 Transport SIP

Region 6 proposed final approval of Oklahoma 2012 PM2.5 Transport SIP submittal.

Oklahoma 2016 Air Permit Program Related Annual SIP Update

Region 6 proposed approval of selected revisions to the Oklahoma SIP submitted in their 2016 Annual SIP Update to revise incorporation by reference dates and emission inventory reporting requirements to be consistent with federal requirements.

July 7	Energy efficiency Summit with Congressman Burgess, Denton, Texas
July 10	Meeting with Richard Moore, NEJAC Co-Chair, Albuquerque, New Mexico
July 11	Regional Tribal Operations Committee Meeting, Albuquerque, New Mexico

Region 7

Hot Issues

Public Meeting at PCE Southeast Contamination Site (York, NE)

Key Message: Public meeting held on June 25 on the Proposed Plan for the PCE Southeast Contamination Superfund Site.

- A public meeting on the PCE Southeast Superfund Site Proposed Plan was conducted on June 25, 2018. Representatives from the EPA, the Agency for Toxic Substances and Disease Registry, the Nebraska Department of Environmental Quality, and county health departments were present. There were two attendees from the public.
- The Proposed Plan issued by EPA proposes thermal remediation of the source materials to remove the contamination and prevent a continued release to groundwater. The state concurs with the proposed remedy and there were no dissenting comments during the meeting. The public comment period runs from June 13 to July 13.

Train Derailment and Oil Spill in Doon, IA

Key Message: EPA is continuing to coordinate with BNSF, local and state entities on cleanup operations in response to an oil spill in Iowa.

- On June 22, a BNSF unit train hauling Heavy Crude Oil/Diluent Mix from Alberta, Canada derailed just south of Doon, Iowa. According to estimates, 230,000 gallons of crude was released into adjacent flood waters which travelled into the Rock River and downstream.
- EPA Region 7 deployed two On-Scene Coordinators and two START contractors to assess and oversee clean-up operations being conducted by BNSF. EPA is in Unified Command with Iowa Department of Natural Resources, Local Response entities, and BNSF and clean-up operations are ongoing.

Region 8

Hot Issues -

Libby Asbestos Superfund Site – Dissatisfied Property Owner Due to concerns with the presence of vermiculite in garden soil, a property owner requested further investigation by EPA. The property had been investigated in 2002 and 2015 and no response actions were warranted. The landowner was convinced that the presence of any vermiculite automatically meant that it presented a potential long-term health threat to anyone digging/tilling in the garden. EPAs Remedial Project Manager and Toxicologist explained during phone calls and on-site visits that risk to human health was determined by the presence of Libby Amphibole fibers and the post construction sampling confirmed non-detect for Libby Asbestos Amphibole. Ultimately, EPA offered to excavate 4 to 6 inches of soil in the garden area to remove any significant quantities of vermiculite in an attempt to satisfy the owner and assure site protectiveness. The landowner still thinks the excavation should go to 18 inch depths and was going to contact US Senator Tester about this issue. The Libby Team continues to work with the landowner on this issue.

Safe Drinking Water Act Emergency Administrative Order issued City of Casper, WY On June 26, 2018, the EPA issued a 1431 Order in response to a potential imminent and substantial endangerment at the City of Casper public water system (serving 56,343 residents) located in Wyoming. The City notified EPA on June 25, 2018, that the system found dead mice in a 10 million gallon finished water storage tank during an inspection of the tank. The tank was isolated from the system for the inspection, and will remain isolated until the tank is drained, disinfected and repaired, and the system is notified by EPA that the tank can be returned to service. The State of Wyoming does not have primacy for the drinking water program.

Upcoming Decisions/Events – None

Region 9

HOT TOPICS

1. **CAA Attainment Designation:** the acting Regional Administrator signed a Federal Register notice approving redesignation of the Chico (CA) 24-hour PM_{2.5} nonattainment area to attainment, based on clean air data from 2014 to 2016. Our close collaboration with the State and local air district enabled us to both propose and finalize this request within six months. This accomplishment contributes to the Agency Priority Goal of reducing the number of nonattainment areas.
2. **RCRA Settlement:** in a joint inspection and enforcement effort with the State of California, Region 9 finalized an administrative settlement with Rho-Chem for its Inglewood facility. The order includes payment of a \$120K civil penalty and completion of a \$352K SEP, in which emergency response air-sampling equipment will be furnished to the Los Angeles County Fire Dept. We will host a public event to focus on this SEP later next month.

UPCOMING DECISIONS AND EXTERNAL ENGAGEMENT

1. **Navajo Nation:** we will issue a final decision letter regarding the Navajo Nation's request for \$596K in Gold King Mine reimbursement, per an existing cooperative agreement. We will approve \$253K in eligible costs, and disapprove \$343K in unallowable costs. We will reach out to President Begay's office in advance of mailing our decision, and proceed to issue the \$253K reimbursement.
2. **Superfund:** Administrator Pruitt and Regional Administrator Stoker hosted the Casmalia (CA) Superfund ROD signing event June 28, followed by a meeting with Central Coast agricultural leaders from Ventura, Santa Barbara and San Luis Obispo Counties.
3. **Ports of Los Angeles/Long Beach:** RA Stoker will tour the Customs and Border Protection warehouse where EPA inspectors focus on FIFRA (legal pesticide imports) and CAA mobile sources (legal engine imports), followed by a tour of the Ports of Los Angeles and Long Beach infrastructure, with a focus on low-emission goods movement.

Region 10

Hot Issues

Detroit Lake HABs Recreational Advisory Lifted: Recent cyanotoxin concentrations have been low enough for consecutive days to lift the *recreational* advisory for Detroit Lake, a popular waterbody and drinking water source in Oregon. Likewise, the most recent drinking water finished water samples (since 6/7) have showed cyanotoxin concentrations below the advisory values; however, there are still detections of cyanotoxins at the intake to the plant, and the *drinking water advisory remains in place* while the City is working on adding new treatment. Oregon Health Authority is putting a temporary drinking water rule in place (expected by 7/1). The rule will require biweekly cyanotoxin sampling in surface water for the approximately 85 surface water Public Works Systems identified as potentially vulnerable. One question is the extent of the role “top-spill” at Detroit Dam in exporting cyanobacteria and/or toxins downstream to the intake. When the advisory began, the Army Corps of Engineers (Detroit Lake dam operator) further delayed NMFS-mandated (for Salmon protection) top-spill until 6/21.

Hanford Site, Richland, WA: In January, EPA and the Washington State Department of Ecology sent a joint letter to the Department of Energy invoking the “Creation of Danger” clause of the Tri-Party Agreement and required DOE to stop work on the demolition of the Plutonium Finishing Plant (PFP). We took this action due to multiple occasions of contamination spread (plutonium and americium) while tearing down PFP. Since that time, DOE’s contractor has prepared a revised plan on how to complete the work safely, and DOE had an expert panel review the proposal. EPA and Ecology sent a letter to DOE on June 25, 2018 conditionally lifting the stop work order for the remaining lower-risk activities. That work is not expected to restart until late July.

Upcoming Major Decisions and Events

UIC Class II Well Transfer from Idaho to EPA: The Administrator's Office is anticipated to sign-off on the UIC Class II well transfer package within the next several days. Region 10 Public Affairs is assisting the program in developing a basic communications plan, focused on communicating with key Idaho agencies on the decision. On August 25, 2017, Idaho Department of Water Resources DWR requested that EPA transfer primacy of the Class II program from the state to direct implementation of the program by EPA. In the following months, EPA notified the public of the transfer and started a rule revision process to update Title 40, Part 147 Subpart N of the CFR to codify the change in primacy.

Idaho Suction Dredge NPDES General Permit Coverage: EPA issued permit coverage for 15 suction dredgers after the USFWS completed Endangered Species Act consultations with the USFS on Moose, Orogrande, French and Lolo creeks in Idaho. These Biological Evaluations from the consultation now extend through 2022, but limit the number of dredgers allowed on each waterbody. These creeks were initially closed under the EPA issued general permit, but with the consolidated efforts of the USFS, USFWS, NMFS and EPA, permit coverage is now able to be granted on these waters.

Washington Tribes Accept Offer of Free Testing for PFAS: The Washington Department of Health (WADOH) offered free testing for Per- and polyfluoroalkyl substances (PFAS) to Tribes in the State of Washington meeting

their established criteria. A number of the Region 10 Tribes have accepted the offer. Data received from this project will help WADOH to understand and make informed decisions about PFAS for their rulemaking. Participating water systems will be responsible for conducting the sampling. All testing costs will be covered by the WADOH. The lab will send the Tribes a PFAS sampling brochure and sampling kit. The brochure gives step-by-step instructions, including illustrations, for taking a proper sample.

Office of Administration and Resources Management

Hot Issues

OARM Terminates the Suspension of Panoche Water District

On June 22, 2018, based upon a request by the Panoche Water District (PWD), the unique circumstances of the case, and PWD's ongoing effort to demonstrate its present responsibility, the Acting EPA Suspension and Debarment Official (SDO) terminated the suspension of PWD and issued a notice to show cause as to why a suspension is not necessary to protect the Government. The Show Cause Notice (SCN) was issued to address responsibility concerns raised by a State of California Felony Complaint in which PWD's former employees were charged with various offenses related to misuse of government funds for private purposes (Embezzlement and Misappropriation of Public Funds, and Conspiracy to Misappropriate Public Funds) and the unlawful transportation and disposal of hazardous waste. PWD previously received a \$5.6 million loan from the California Water State Revolving Fund, funded primarily by EPA grants, and has pending awards by DOI's Bureau of Reclamation. The termination of the suspension and issuance of the SCN restores PWD's eligibility to receive federal contracts and covered transactions pending resolution of these concerns by PWD.

FAIR Act Inventory

On June 27, 2018, OARM submitted to the Office of Management and Budget EPA's annual FAIR Act Inventory as prescribed by the Federal Activities Inventory Reform Act of 1998 under Public Law 105-270. The act provides a process for identifying the functions performed by federal government employees that are inherently governmental functions, and for other functions, i.e., commercial in nature. In September 2011, OMB released Policy Letter 11-01 Performance of Inherently Governmental and Critical Functions which defined inherently governmental work and clarified how to make the determination.

The recent assessment indicates that 35.6% of the agency's positions were coded as inherently governmental; 43.4% as critical; 12.7% as closely associated with inherently governmental, and 7.4% as other. The data is transmitted to OMB through the Max portal.

Upcoming Major Decisions & Events

None

Office of Air and Radiation

Hot Topics

- **Tracking SIP Actions:**
 - Total Number of SIPs submitted to Regions in FY 2018: 219
 - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 194
 - Total Number of Pending SIPs: 750
- **Packages that will move soon to Signature:**
 - Determination Regarding Good Neighbor Obligations for the 2008 NAAQS (Proposed Rule) – On track for signature today
 - National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards: Petroleum Refinery Sector Amendments
 - NESHAP: Portland Cement Manufacturing Industry Residual Risk and Technology Review (Final Rule): Consent Decree Deadline for Signature by July 15th
 - Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings (Withdrawal of Proposed Rule) – Note OAR is updating the package and will be submitting a new version to the 3rd floor soon.
- **Packages at OMB for Review:**
 - Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration (Proposed Rule)
 - NESHAP: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture RTR (Proposed Rule)
 - Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes (Proposed Rule)
 - Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy (Proposed Rule)
 - Light - Duty Vehicle GHG Program Tech Amendments (Proposed Rule)
 - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements (submitted to OMB but not yet showing up on reginfo.gov)
- **Packages that will move soon to OMB for Review:**
 - Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits (Final Rule)
 - Standards of Performances for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced Air Furnaces (Proposed Rule)
 - Standards of Performances for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced Air Furnaces (ANPRM)
 - Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Aggregation Reconsideration (Final Rule)

Upcoming Major Decisions and Events

- **Montreal Protocol:** On July 11th – July 14th, OAR Staff will serve on the U.S. Delegation for the Montreal Protocol's Open-Ended Working Group Meeting (OEWG) in Vienna, Austria for preliminary discussions ahead of the Meeting of the Parties (MOP) this fall. In addition to EPA staff, the U.S. Delegation will also include staff from State Department, the White House, and USDA.
- **SO2 NAAQS Public Hearing:** On July 10th, EPA will hold a public hearing here in Washington, DC on the recent proposal to retain the existing primary National Ambient Air Quality Standard for Sulfur Oxides.
- **RFS Public Hearing:** On July 18th, EPA will hold a public hearing in Michigan on the recently proposed volume requirements under the Renewable Fuel Standard program.

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

Row	Determination Type	Pending on 6/26/2018	Determinations Completed ¹ as 6/26/2018	Determinations Posted on the Website as of 6/26/2018 ⁶
1	# of "not likely" determinations	1	124 ⁴	124 ⁴
2	# of §5(e) Orders signed by both EPA and the submitter	-	411	405
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	40	-	-
4	# of non-Order SNURs/"not likely" determinations	0	0	0
5	# of cases in post-FOCUS final determination development ⁵	322 ^{3,5}	-	-
6	# of cases flagged for in-depth review	40	-	-
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	34	-	-
8	# of LVE/LOREX exemption grants	-	618	610
9	# of LVE/LOREX exemption denials	-	121	121
10	Total number of cases	437	1274	-
11	Normal active workload for the New Chemicals Program	300	-	-
12	Number of cases undergoing testing or data development by submitter	72 ³	-	-
13	Backlog ²	65	-	-

¹ "Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

² (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

³ Of these cases, approximately 58 are "active" lung toxicity cases that are suspended while submitters either conduct or are deciding whether to conduct testing to develop data on pchem properties, exposures and toxicity.

⁴ "Not Likely" determinations are not posted until the final signed determination document is prepared and has been shared with submitter.

⁵ These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURs coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter for signature; Row 4 when the SNUR is published and the not likely determination document is signed; and Row 1 when the determination document is sent to the OPPT OD for signature.

⁶ These are all only final determinations posted on the web: grants and denials.

Office of the Chief Financial Officer

Hot Topics

- OCFO continues to work with the agency to review the Senate Appropriations Committee budget hearing transcript and develop responses to the SAC QFRs. Dates have not been set yet for House or Senate floor action on EPA's appropriations bill.

Upcoming Major Decisions and Events

- OCFO continues to work with OCIR and OITA to support the July 18 Senior Leadership Council Engagement Meeting with states, tribes, local and other leaders and the July 19 Budget and Planning Meeting. These meetings will help identify opportunities to advance cooperative federalism and shared governance, and gather input from senior leaders on aligning resources to advance the Strategic Plan in the FY 2020 OMB Submission and in upcoming fiscal years.

Other

- June 26-27th, two dozen information technology/management leaders from EPA, states and tribes met at Massachusetts's Department of Environmental Protection in Boston to develop an environmental information technology roadmap for the future. Collectively, EPA, states and tribes spend tens of millions of dollars on IT investments annually. A technical roadmap will help ensure E-Enterprise partners optimize future technology investments, and acknowledging rapidly changing technology opportunities and challenges. This roadmap builds upon and helps direct the ongoing work of the Exchange Network that provides the technical infrastructure for sharing environmental data between EPA and all fifty states, territories, and many tribes. This topic will hold a prominent position on the agenda for the E-Enterprise Leadership Council face-to-face meeting planned for September in Washington DC.

Office of Congressional and Intergovernmental Relations

Upcoming Hot Issues and Important Deadlines

- July 10 - EPA has a public hearing on the Proposal to Retain the Existing Primary, or Health - Based, National Ambient Air Quality Standard for Sulfur Dioxide
(Will be held at EPA HQ- East Bldg.- Rm. 1117)

Upcoming Events

- July 25 – PFAS community engagement meeting in southeastern PA w/ OW, R3
- TBD – Sen. Tester (MT) staff briefing on Elk River Watershed w/OW, R8
- TBD – Approps staff briefing on PRIA fees w/OCSPP, OCFO
- TBD - SEPW/HEC staff briefing on TSCA first 10 chemical problem formulations w/ OSCPP
- TBD- Cong. Joyce (OH) request to brief Mentor, OH officials on GLRI (incl. potential funding)

Office of Enforcement and Compliance Assurance

Hot Topics:

Florida Developer Sentenced in Asbestos Case; Will Pay for Medical Monitoring of Exposed Workers

On June 22, 2018, Philip Farley was sentenced in the Middle District of Florida to 90 days of home confinement, an \$8,000 criminal fine, four years of probation, and 300 hours of community service. Farley will also pay \$250,000 in restitution to the University of Florida College of Public Health for an asbestos exposure surveillance fund for workers who were exposed during the renovation of the Urban Style Flats apartment complex. Farley was the developer of a 480-unit apartment complex in St. Petersburg, Florida. The purchase agreement for the apartment complex alerted Farley to the presence of asbestos in the building. Farley directed unprotected and untrained workers to renovate the buildings by dry-scraping textured ceiling material and breaking up floor tiles containing asbestos, which were then disposed of in a general waste dumpster and taken to the county incinerator. Farley pleaded guilty to negligently causing the release of asbestos.

Oil and Gas New Owner Audit Program Stakeholder Meetings

On June 28, 2018, OECA hosted a stakeholder meeting to help inform ongoing efforts to develop a New Owner Clean Air Act Audit Program tailored for the upstream oil and natural gas exploration and production sector. Participants include industry, environmental, state and tribal stakeholders. The stakeholder meetings are an opportunity for EPA to hear comment and discussion from stakeholders as the Agency continues to consider options for this program.

OECA and Georgia's Department of Agriculture Co-Host National Enforcement Pesticide Inspector Regulatory Training

OECA's Office of Compliance and Georgia's Department of Agriculture hosted over 45 state, tribal, and EPA pesticide inspectors from around the country in Savannah, Georgia to share best practices and to learn new skills. Classroom training sessions focused on inspections pertaining to the herbicide dicamba, inspector interviewing, report writing skills, communication, and enforcement. A field trip component also included a federal pesticide laboratory tour and a trip to a local nursery to perform a mock Worker Protection Standard inspection.

ECHO Updates Improve Features and Usability

OECA has improved the frequency for addressing user feedback and Agency Priorities in the Enforcement and Compliance History Online (ECHO) website. Some recent improvements include different ways to refine facility searches and customize search results, the ability to search for public drinking water systems that have had sanitary surveys, the option to search for facilities located in Census block groups within an 80th or higher national percentile of one or more of the primary environmental justice indexes of EJSCREEN, and the ability to review Clean Water Act Multi-Sector General Permit annual report data.

Upcoming Major Decisions and Events:

On July 11, 2018, the Acting Director of OECA's Federal Facilities Enforcement Office and other EPA leaders will attend the DOD/EPA semiannual meeting in Crystal City, Virginia. This engagement meeting was developed as part of Superfund Task Force Recommendation #41.

Office of Environmental Information

Hot Topics

Environmental Information Technology Roadmap for the future

- Brief description: This week, under the guidance of the E-Enterprise (EE) Initiative, two dozen Information technology/management leaders from EPA, States and Tribes are meeting at Massachusetts's Department of Environmental Protection (MassDEP) in Boston to develop an environmental information technology roadmap for the future. For nearly two decades, EPA has worked jointly with its coregulators to successfully implement and operate an "Exchange Network (EN)" that is providing the technical infrastructure for sharing environmental data among EPA and all fifty States, territories, and many tribes. A technical roadmap is needed to ensure EPA and its partners optimize future investments in future "EN" functions to address the rapidly changing technology that present both new opportunities and challenges. In preparation for the meeting, the group researched technology trends and conducted interviews of the commissioners, tribal leaders and EPA senior executive members of the EE Leadership Council to identify key business concerns/opportunities over the next ten years. The group will use this information to guide discussions that will include identifying:
 - New collaborative opportunities for sharing applications, services and data across EE partners as we move toward cloud platforms.
 - Enhanced service to industry and the public as EE partners leverage machine learning and other forms of artificial intelligence to address routine business tasks.
 - Advances in analytics and sensor technologies that can greatly enhance EPA and EE partner efforts to predict and address environmental problems (e.g., algal blooms) before they happen.
- Who benefits or cares: Information technology/information, leaders, managers and staff across EPA, state and tribal agencies, and ultimately EPA, our coregulators, industry and the public.
- Why this is important: EPA, states, and tribes collectively spend hundreds of millions of dollars on IT investments each year. By working collaboratively to develop a joint technical roadmap, we can more efficiently and effectively coordinate investments that avoid duplication and optimize their business value.
- Additional information:
 - Please visit: <https://www.epa.gov/e-enterprise>
 - Contact: Andrew Battin, Director, Office of E-Enterprise, OCFO, (202) 566-2140; Matthew Leopard, Director, Office of Information Management, OEI, (202) 566-1698

Office of General Counsel

Hot Topics

- *Northwest Env'tl Advocates v. EPA*, No. 2:17-cv-01664-RSL (W.D. Wash.). New development: On June 25, the court granted plaintiff's motion for summary judgment and ordered EPA, by June 29, 2018, to "complete its action" pursuant to CWA 303(d) on 73 total maximum daily loads ("TMDLs") that the State of Washington submitted for approval/disapproval in December 2015. The court's order was expected, as EPA had conceded that it did not act on the TMDL submissions within the statutory 30-day time period. Consistent with its representations to the court, EPA Region 10 intends to complete its action on the submitted TMDLs (a combination of approvals, disapprovals, and "no action" for 10 no-longer-impaired waters) by the June 29 deadline.
- *Food & Water Watch v. EPA*, No. 1:18cv1497 (D.D.C.). New development: On June 25, Food & Water Watch filed a suit alleging that EPA did not respond within the statutory time period to a FOIA request seeking records concerning the Definers Public Affairs consulting company contract and communications with Definers and Allen Blutstein.
- *Honeywell International Inc., et al., v. Mexichem Fluor, Inc. et al.*, (Sup. Ct.). New development: On June 26, petitioners filed a petition for certiorari requesting that the Supreme Court review the D.C. Circuit's decision in *Mexichem Fluor, Inc. v. EPA*. In *Mexichem*, two companies that market HFCs challenged an EPA rule that changed the Significant New Alternatives Program (SNAP) listings under CAA Title VI of certain HFCs from acceptable for use in specific uses (e.g., refrigeration and foam blowing) to unacceptable for such use. The court granted the petition for review in part and vacated the rule "to the extent that it requires manufacturers to replace HFCs with a substitute substance." Honeywell and Chemours, two companies that market competing products, were intervenors on behalf of EPA in the *Mexichem* case. NRDC also intervened on behalf of EPA in the underlying case.

Upcoming Major Decisions and Events

7/12 Hearing in *Sierra Club v. Pruitt*, motion to enforce judgment requiring EPA to complete pulp mill Risk and Technology Review.

Office of International and Tribal Affairs

Hot Issues:

CEC Council Session - The Administrator opened the CEC Council Session in Oklahoma City and hosted U.S., Canadian, and Mexican delegations at the National Weather Center and Tom Love Innovation Hub at the University of Oklahoma. The Administrator announced three new trilateral initiatives: 1) Extreme Events Mapping Initiative for North America; 2) Extreme Events Advisory Group for North America; and 3) Innovation Hub Network with universities in U.S., Canada and Mexico. In addition, the CEC announced the launch of the North American Traditional Ecological Knowledge Atlas.

Annual SelectUSA Investment Summit -

EPA (OITA) staffed SelectUSA's Annual Investment Summit, organized by the International Trade Administration within Department of Commerce. The purpose of event was to promote foreign direct investment in the U.S and the event was attended by state economic development agencies and potential foreign investors. EPA answered questions about the mission of the Agency, and informed participants of various programs designed to assist them in complying with U.S. environmental regulations.

Upcoming Major Events/Decisions

Australian Cooperation - The Administrator will meet with Australian Minister of Environment and Energy on July 12 and sign a Memorandum of Understanding of bilateral cooperation.

Office of Land and Emergency Management

Hot Topics

1. Coal Combustion Residuals (CCR). (see below)
2. Clean Air Act 112(r) Risk Management Program (RMP) Reconsideration NPRM. The public comment period ends July 30, 2018.
3. Ongoing major Superfund NPL sites (including Colorado Smelter, East Chicago, West Lake, Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates, Oak Ridge, Edwards AFB, Berry's Creek, American Cyanamid).
 - a. We are working with Region 10 to prepare for a briefing with the Deputy Administrator on July 3 regarding the Hanford 100 D/H Area ROD; the Administrator's briefing has been scheduled for July 16.
4. CERCLA 108(b) Financial Assurance – Next Three Sectors. We are working with OGC, OP, and the AO to plan our approach to the next three sectors.
5. PFAS.
 - a. We are working with ORD and OW to develop groundwater cleanup recommendations for PFOA and PFOS.
 - b. OLEM is working with the AO, OGC, OECA and other AAships to look at available statutory mechanisms for PFOA and PFOS to be "hazardous substances" under CERCLA.

Upcoming Major Decisions and Events

1. BUILD Act. A notice to solicit comment on aspects of the BUILD Act was published this week in the FR. Comments are due by July 10, 2018.
2. Coal Combustion Residuals.
 - a. The proposed rule is with OMB and we anticipate signature soon.
 - b. Approval of Oklahoma's CCR permit program was published in the FR today.
 - c. Georgia submitted its CCR permit program application to EPA.
3. E-Manifest Launch. We plan to issue a press release on June 29, for the launch on June 30. We are evaluating an OIG management alert.
4. Hazardous Waste Pharmaceuticals Final Rule. This rule package is with OMB for review.
5. Hazardous Substances Spill Prevention Proposed Rule. This rule package was published in the FR on June 25 and comments are due by August 24, 2018.

Office of Policy

Upcoming Major Decisions or Events

Cost & Benefit Comment Extension: This week, the Federal Register will publish a 30-day extension to the comment period for the advanced notice of proposed rulemaking entitled "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process."

OP

Number of Actions to OFR this Year:

- Signed by Regions:
 - Notices: 47
 - Proposed Rules: 154
 - Direct Final Rules: 10
 - Withdrawal of Proposed Rule: 1
 - Withdrawal of Direct Final: 4
 - Final Rules: 124
- Signed by HQ:
 - Notices: 248
 - Proposed Rules: 40
 - NPRM Extension: 1
 - Direct Final Rules: 1
 - Withdrawal of Direct Final: 1
 - Interim Final: 2
 - Final Rules: 75
 - Corrections: 1

Number of Actions to OFR this Week (June 22 – June 28):

- Signed by Regions:
 - Notices: 1
 - Proposed Rules: 9
 - Direct Final Rules: 0
 - Withdrawal of Proposed Rule: 0
 - Withdrawal of Direct Final: 0
 - Final Rules: 7
- Signed by HQ:
 - Notices: 17
 - Proposed Rules: 2
 - NPRM Extension: 0
 - Direct Final Rules: 0
 - Withdrawal of Direct Final: 0
 - Interim Final: 0
 - Final Rules: 2
 - Corrections: 0

Active Interagency Reviews from OMB	
Title	OMB Due Date
DOI/FWS & DOC/NOAA/NMFS NPRM (Call w/ OMB and Services): "Endangered and Threatened Wildlife and Plants; Revision of Regulations for Interagency Cooperation"	06/29/2018
DOI/BLM FRM: "Waste Prevention, Production Subject to Royalties, and Resource Conservation; Rescission or Revision of Certain Requirements"	07/03/2018
DOD/USACE Draft Regulatory Guidance Letter (RGL): "Determination of Compensatory Mitigation Credits for the Removal of Obsolete Dams and Other Structures from Rivers and Streams"	07/13/2018
DOT/PHMSA FRM: "Pipeline Safety: Plastic Pipe Rule"	07/18/2018

Documents Submitted to OFR from June 21 - 26, 2018		
FRL	Title	Date Submitted to OFR
9980-19-Region 10	Air Plan Approval; ID, Incorporations by Reference Updates and Rule Revisions	6/26/2018
9980-18-Region 4	Air Plan Approval; Tennessee; Attainment Plan for Sullivan County Sulfur Dioxide (SO2) Nonattainment Area	6/26/2018
9979-82-Region 1	Air Plan Approval; Vermont; Infrastructure State Implementation Plan Requirements for the 2012 PM2.5 NAAQS	6/26/2018
9979-25-Region 6	Approval and Promulgation of Implementation Plans; Arkansas; Interstate Transport Requirements for the 2012 PM2.5 NAAQS and Definition Update	6/26/2018
9979-15-Region 6	Approval and Promulgation of Implementation Plans; Arkansas; Revisions to Minor New Source Review Program	6/26/2018
9976-04-OCSP	Review of the Dust-Lead Hazard Standards and the Definition of Lead-Based Paint	6/26/2018
9980-08-Region 5	Air Plan Approval; Michigan; Revisions to Volatile Organic Compound Rules	6/25/2018

9979-46-OCSP	Lambda-Cyhalothrin; Receipt of Application for Emergency Exemption, Solicitation of Public Comment	6/25/2018
9979-45-OCSP	Access to Confidential Business Information by [Industrial Economics Incorporated]	6/25/2018
9979-14-OCSP	Certain New Chemical Substances; Receipt and Status Information for March 2018	6/25/2018
9978-35-OCSP	Pesticide Product Registration; Receipt of Applications for New Uses	6/25/2018
9979-58-OEI	NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities (Renewal)/ICR No.2277.05	6/25/2018
9979-95-OEI	Contractor Conflicts of Interest (Renewal)/ICR 1550.11	6/25/2018
9980-06-OEI	Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases under CERCLA Section 123 (Renewal)/ICR 1425.11	6/25/2018
9979-77-OEI	NESHAP for Primary Aluminum Reduction Plants (Renewal)/ICR No.1767.07	6/25/2018
9980-09-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report	6/22/2018
9979-99-Region 10	Air Plan Approval; Washington; Interstate Transport Requirements for the 2012 PM2.5 NAAQS	6/22/2018
9979-97-Region 7	Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa	6/22/2018
9979-75-OCSP	Guidance on Expanded Access to TSCA Confidential Business Information; Notice of Availability	6/22/2018
9979-74-OCSP	Mercury; Reporting Requirements for the TSCA Mercury Inventory	6/22/2018
9979-59-OCSP	TSCA Chemical Substances; Unique Identifier Assignment and Application Policy; Notice of Availability	6/22/2018
9979-02-OCSP	Guidance for Creating Generic Names for Confidential Chemical Substance Identity Reporting under TSCA; Notice of Availability	6/22/2018
9978-62-OCSP	TSCA Alternative Testing Methods Final Strategic Plan; Notice of Availability	6/22/2018
9980-00-Region 10	Air Plan Approval; Alaska; Interstate Transport Requirements for the 2012 PM2.5 NAAQS	6/21/2018
9979-91-Region 2	Approval of Air Quality Implementation Plans; New York; Subpart 225-1, Fuel Composition and Use - Sulfur Limitations	6/21/2018
9979-90-OW	Previously-incurred Costs in the Water Infrastructure Finance and Innovation Act (WIFIA)	6/21/2018
9979-86-Region 7	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of	6/21/2018

	the Omaha Lead Superfund site	
9979-85-Region 7	Approval of Nebraska Air Quality Implementation Plans; Adoption of a New Chapter under the Nebraska Administrative Code	6/21/2018
9979-57-Region 6	Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology in the Houston- Galveston-Brazoria Ozone Nonattainment Area	6/21/2018
9979-05-OAR	Call for Information on Adverse Effects of Strategies for Attainment and Maintenance of National Ambient Air Quality Standards	6/21/2018
9978-70-OCSP	Fluroxypyr; Pesticide Tolerances	6/21/2018
9979-38-OLEM	Brownfields Utilization, Investment and Local Development (BUILD) Act	6/21/2018
9979-31-Region 10	Ocean Dumping; Withdrawal of Designated Disposal Site; Grays Harbor, Washington	6/21/2018
9979-52-ORD	Second External Review Draft Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria	6/21/2018
9979-56-ORD	Review of the National Ambient Air Quality Standards for Ozone - Call for Scientific and Policy-Relevant Information	6/21/2018
9979-09-Region 6	Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for South Louisiana Methanol L.P., St. James Methanol Plant in St. James Parish, Louisiana	6/21/2018

Office of Research and Development

We had positive engagements this week with state and local health officials during the annual meetings of the National Environmental Health Association and the State Environmental Health Directors of the Association of State and Territorial Health Officials. NEHA featured A Conversation with EPA's Public Health Leaders. We also participated in the 2018 Tribal Environmental Health Summit with tribal communities and other federal agencies.

We wish all a safe and restful Independence Day.

Hot issues

EPA Helps Germany Respond to Ricin Contamination Incident

Scientists from ORD's National Homeland Security Research Center and Office of Emergency Management's Consequence Assessment Division, provided technical support to Germany's Federal Information Centre for Biological Threats and Special Pathogens (IBBS) within the Robert Koch Institute. This public health institute is supporting the response to a ricin incident in Cologne, Germany, where authorities foiled a man's plan to build a biological weapon out of ricin. The attempted production of this weapon contaminated an apartment and the subsequent response resulted in contamination of law enforcement's specialized equipment (e.g., electronic headsets). EPA provided technical expertise related to cleanup including the latest research studies to support the remediation of the apartment and decontamination of the specialized equipment.

Second Draft Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter

On June 26th, the federal register notice announcing availability of the Second Draft Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria (NOxSOxPM-Eco) was posted. The draft report and updated websites are available for public access (<https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=340671>). The deadline for comments is September 4th, 2018.

Follow-up on Technical Support for Toxic Algal Bloom Event in Salem, Oregon

ORD is providing continued technical support to Region 10, the State of Oregon, and the City of Salem for a toxic algal bloom event that occurred in Detroit Lake, a reservoir that is a drinking water source for the city. ORD staff are travelling to Portland this week to help the Oregon Department of Environmental Quality set-up EPA Method 546 (Determination of Total Microcystins and Nodularins in Drinking Water and Ambient Water by Enzyme-Linked Immunosorbent Assay) on a Cyanotoxin Automated Assay System.

Office of Water

Hot Issues

WOTUS: Today, OW anticipates moving forward for Administrator signature the Step 1 supplemental notice of proposed rulemaking to repeal the 2015 Rule and recodify the prior regulations. In the supplemental notice, the EPA and the Army seek to build off the July 27, 2017 notice of proposed rulemaking by providing a more in-depth discussion of the reasons why the agencies are proposing to repeal the 2015 Rule and recodify the pre-2015 regulations. The public comment period will be 30 days.

Memorandum of Understanding Between the State of New Mexico and the EPA Addressing Produced Water: Next week, OW and Region 6 anticipate finalizing for signature a *Memorandum of Understanding (MOU) Between the State of New Mexico and the U.S. Environmental Protection Agency* to facilitate greater collaboration to address the re-use, recycling, and beneficial use of waters originating from oil and natural gas activities (produced water). Region 6 and the Office of Water have been working with the state leadership in New Mexico's Energy, Minerals, and Natural Resources Department to develop the MOU which outlines the establishment of a working group and development of a white paper identifying produced water opportunities under state and federal law in New Mexico.

Puerto Rico SRF: This week, the EPA reached agreement to extend the forbearance with the Puerto Rico Aqueduct and Sewer Authority (PRASA) for a period of three months. During this period, PRASA will make payments of \$833,000 per month. This agreement allows the parties time to develop a long-term solution for restructuring PRASA's debt.

Per- and poly-fluoralkyl (PFAS) Community Engagement: This week, the EPA held the first of the PFAS community engagement events in Exeter, NH. Over 200 participants from states, federal partners, nonprofit organizations, and the general public attended. Following the National PFAS Leadership Summit, this event allowed EPA to hear directly from New England communities and other participants on how to best help states and communities facing this issue. The next engagement is scheduled in Pennsylvania at the end of July. Other meetings in Colorado and North Carolina are being coordinated for later in the summer.

Clean Water Act (CWA) 404(c) Revisions Rule: This week, the Administrator signed a memorandum outlining changes the EPA will propose to update the implementing regulations for section 404(c) of the Clean Water Act.

To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Hassell, Emily
Sent: Mon 3/12/2018 8:14:48 PM
Subject: RE: News Clips - 12 March 2018

Will do – thanks!

From: Bowman, Liz
Sent: Monday, March 12, 2018 4:12 PM
To: Hassell, Emily <hassell.emily@epa.gov>
Subject: RE: News Clips - 12 March 2018

I think you can use your judgement; whatever you think is best.

From: Hassell, Emily
Sent: Monday, March 12, 2018 4:10 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: News Clips - 12 March 2018

Hi Liz,

You're welcome! Good to know it's useful for you to see them this way.

For the future – would you like articles grouped under headers, even if there's only two of a kind? Or would you rather only see headers for 3+ (or bigger stories)?

Thanks,
Emily

From: Bowman, Liz
Sent: Monday, March 12, 2018 4:06 PM
To: Hassell, Emily <hassell.emily@epa.gov>
Subject: RE: News Clips - 12 March 2018

Emily, thank you so much for grouping these by issue! It's really helpful to see the articles this way.

From: Hassell, Emily
Sent: Monday, March 12, 2018 3:57 PM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: News Clips - 12 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Roundtable

[St. Louis Post-Dispatch - EPA head says final West Lake cleanup plan could mean more aggressive removal of material](#)

[Politico - Report: Pruitt backs E15 waiver, curbing trade of credits](#)

[The Hill - Pruitt may limit ethanol market traders](#)

[Houston Chronicle - Pruitt looks to stamp out RIN "hoarding," raises possibility of limits on Wall Street](#)

Climate Science Debate

[New York Times - The E.P.A. Chief Wanted a Climate Science Debate. Trump's Chief of Staff Stopped Him.](#)

[Daily Caller - John Kelly Killed Pruitt's Plan To Publicly Debate Climate Science](#)

[The Hill - John Kelly killed Pruitt's climate science debate](#)

[Mother Jones - EPA Chief Scott Pruitt Wanted A Live TV Debate Questioning Climate Change](#)

General

[E&E Climatewire - Pruitt's youth advisers slam federal inaction on climate](#)

[AP - EPA hires GOP media firm to produce report praising Pruitt](#)

[The Hill - EPA hired right-leaning media firm to compile its 'year in review'](#)

[The Hill - EPA science advisers haven't met in six months: report](#)

[The Hill - Administration asks court to dismiss lawsuit from EPA scientists](#)

[E&E Greenwire - City leaders press Pruitt aides on climate, staffing](#)

[The Hill - Cabinet officials rebuked by White House amid ethics questions: report](#)

[CNN - White House scolds Cabinet officials after embarrassing ethics reports](#)

[Politico - Judge orders EPA to issue ozone designations quickly](#)

[E&E News PM - EPA faces growing calls to replace lead pipes](#)

[E&E Greenwire - Pruitt ag adviser leaves](#)

[AP - 2 ex-US environmental chiefs blast truck emissions loophole](#)

[The Hill - Ex-EPA heads urge Pruitt to scrap changes to truck pollution rule](#)

[Politico - Democrats urge Pruitt to drop glider rule repeal](#)

[E&E Greenwire - Agency punches back in science advisers lawsuit](#)

[E&E Daily - Committee takes up 'good Samaritan' cleanups](#)

[BNA - Companies' Chemical Secrets Run Up Against the New Toxics Law](#)

[E&E Greenwire - Judges side with 9/11 whistleblower fired for death threats](#)

[E&E Greenwire - Judges weigh FOIA requests on alleged scientific misconduct](#)

+++

St. Louis Post-Dispatch

http://www.stltoday.com/news/local/govt-and-politics/epa-head-says-final-west-lake-cleanup-plan-could-mean/article_2de47bd9-7b39-5408-ae1b-ecba527d5651.html

EPA head says final West Lake cleanup plan could mean more aggressive removal of material

By Chuck Raasch, 3/12/18

WASHINGTON • Environmental Protection Agency Administrator Scott Pruitt said Monday that he believes he's proposed a "sound, solid" solution to clean up the West Lake Landfill Superfund site - but a final decision could include excavating more than the 67 percent of the site the EPA says will be sufficient to protect the health of neighboring residents.

"What is really exciting about St. Louis is at this point in five years the uranium will be removed," Pruitt said, in reference to the radioactive material left over from World War II's atomic bomb creation. "Which I think is amazing in light of taking 28 years to just make a decision."

In a briefing with five reporters, Pruitt touted his first year as administrator, arguing that his agency has sped up dormant decision-making on issues like West Lake, and that it has contributed to billions of dollars in savings to companies from regulatory relief.

He said the EPA would have a final rule on re-doing the controversial "Waters of the United States" initiative of former President Barack Obama, which environmentalists heralded as a boon for water quality. Critics, including many Missouri Republicans, attacked it as government overreach.

Pruitt's stormy first year on the job was marked in part by his decision on West Lake. He called it a "poster-child" of previous administrations' inability to clean up the 1,340 Superfund sites he said he inherited.

EPA officials, including Pruitt's top Super Fund adviser, attended a community meeting in Bridgeton last week in which many speakers advocated a more extensive cleanup than Pruitt proposed in his Feb. 1 announcement. Many advocated for "Alternative 7," which would cost an estimated \$455 million and be shared by public and private entities considered liable for the cleanup. The current proposal would cost about \$236 million.

EPA is currently taking comments on its proposal.

Pruitt said an "extraction vs. cap" remedy debate is too simplistic.

"As I challenge my team I ask them, 'what do we need to do to ensure protection of health,' " Pruitt said. "And that is the reason that we came to the conclusion that we are getting after the radioactive material that I have been told poses a risk to health."

"As you know it approaches 70 percent (removal) with the current proposal, and I think through this comment period it might actually increase," Pruitt told the Post-Dispatch. "But the charge was (to) get all the radioactive material that poses a risk to health, and I have been told and assured that that is taking place. That is the most important."

Asked whether the comment period could drive the EPA to adopt "Alternative 7," Pruitt said: "I don't want to prejudge it. It is not wise to do that. What is wise is to take comments and evaluate, I think. The proposal is a sound proposal."

Pruitt said when he took office he found a lack of urgency for getting things done and having accountability.

His first year also has been marked by controversy over everything ranging from his public doubts about climate change to his expensive travel tastes.

On his office wall is a framed copy of a note that Pruitt sent to President Donald Trump praising Trump for pulling the United States from the Paris Climate accord, a decision that upset environmentalists and caused allies abroad to doubt U.S. commitment to confront global environmental issues. Trump signed it and sent it back.

Pruitt has also been entangled in the Renewable Fuel Standards debate, which has pitted corn farmers against oil refiners.

Trump delayed enactment of the "Waters of the United States" to 2020 while EPA reviews the policy.

Former EPA Administrator Gina McCarthy had pushed it as vital for health and water quality protection; critics said it put unnecessary regulatory crimps on farmers and others.

Pruitt also said he is pushing for the Trump administration to have a goal of eliminating lead from drinking water in 10 years, a water-infrastructure program that could cost over \$40 billion.

Politico

<https://www.politicopro.com/agriculture/whiteboard/2018/03/report-pruitt-backs-e15-waiver-curbing-trade-of-credits-783400>

Report: Pruitt backs E15 waiver, curbing trade of credits

By Eric Wolff, 3/12/18, 2:08 PM

EPA Administrator Scott Pruitt says he would sign a waiver allowing blends of 15 percent ethanol gasoline if he can do so legally, the Houston Chronicle reported today.

"I told the folks in Iowa, if the law allows me to do it I'll sign it tomorrow," he told a group of reporters. "It doesn't make sense to only be able to sell nine months out of the year."

Pruitt said last year he would ask staff to investigate whether EPA had the authority to issue a waiver under the Clean Air Act to allow year-round sale of E15 in all states. Some refining interests have proposed having EPA grant the waiver in exchange for a price cap on the cost of biofuel credits.

Pruitt also said he was considering limiting who can trade those credits. The idea, which would be aimed at boxing out investment banks from the program, has backing from some ethanol producers and oil refiners, a rare point of agreement in the contentious program.

"There's some things on the trading platform I think should happen no matter what," he said, according to the newspaper. "There seems to be a hoarding of [Renewable Identification Numbers], which inflates the price of RINs. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

WHAT'S NEXT: Oil refiners, biofuel producers, the White House and several senators are trying to hammer out a compromise agreement to alter the RFS.

The Hill

<http://thehill.com/policy/energy-environment/377960-pruitt-may-limit-ethanol-market-traders>

Pruitt may limit ethanol market traders

By Timothy Cama, 3/12/18, 1:56 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt is considering taking action to limit what he sees as speculative trade of ethanol credits in an effort to keep prices down.

Pruitt told reporters that one idea is to limit who can trade the credits that some refiners have to buy to comply with the federal ethanol mandate.

"There's some things on the trading platform I think should happen no matter what," Pruitt told reporters at EPA headquarters Monday, according to the Houston Chronicle.

"There seems to be a hoarding of [Renewable Identification Numbers], which inflates the price of RINs. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

The Renewable Fuel Standard (RFS), enacted by Congress in 2007, requires refiners to blend certain volumes of ethanol and other biofuels into their traditional fossil fuels.

Refiners who cannot blend biofuels have to purchase credits from others. But those credits can be traded on a market that some refiners have complained is too speculative, in which prices fluctuate greatly.

Reforming the credit program has been a top request of refiners and their allies in recent months, particularly after a major Philadelphia refiner declared bankruptcy in January, blaming RIN costs.

President Trump has told Republican senators that he would be open to reforms that lawmakers from the various sides of the issue would support.

Sen. Ted Cruz (R-Texas) has proposed capping the price of the credits, but lawmakers from corn states have opposed that approach.

Pruitt also told reporters that he supports letting fuel stations sell higher ethanol blends in the summer than they are currently allowed to, but only if such a change can withstand legal challenges, according to the Chronicle.

Houston Chronicle

<https://www.chron.com/business/energy/article/Pruitt-discusses-limiting-RIN-trading-to-prevent-12746733.php>

Pruitt looks to stamp out RIN "hoarding," raises possibility of limits on Wall Street

By James Osborne, 3/12/18, 1:08 PM

WASHINGTON - EPA chief Scott Pruitt raised the idea Monday of limiting Wall Street's ability to trade the government-issued credits for ethanol and other biofuels in an effort to aid oil refineries.

Under federal law, refiners must blend their gasoline with up to 10 percent ethanol. Refiners that don't blend ethanol themselves must buy the credits from companies that do. But these refining companies claim that the market for credits is opaque, thinly traded and subject to manipulation by speculators that can send price skyrocketing.

In a meeting with reporters at the Environmental Protection Agency's headquarters in Washington, Pruitt seemed to suggest that removing speculators from the market would help keep costs lower.

"There's some things on the trading platform I think should happen no matter what," he said. "There seems to be a hoarding of [Renewable Identification Numbers], which inflates the price of RINs. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

The Trump administration is trying to broker a deal between oil state Republicans like Sen. Ted Cruz, of Texas and corn state Republicans like Sen. Chuck Grassley, of Iowa, who have been at odds for months over the the future of the federal mandate requiring ethanol be blended into the nation's fuel supply.

In addition to limiting RIN trading, Pruitt also brought up the possibility of lifting an air pollution regulation that prevents the sale of fuels with higher concentrations of ethanol during the summertime.

"I told the folks in Iowa, if the law allows me to do it I'll sign it tomorrow. It doesn't make sense to only be able to sell nine months out of the year."

Pruitt's seemingly off-the-cuff comments Monday drew applause from ethanol producers, which by virtue of their large demand for the region's corn supply carry considerable political weight.

"We are encouraged by the Administrator's comments," said Bob Dinneen, president of the Renewable Fuels Association. "We would be receptive to any proposals bringing more transparency and liquidity to the RIN market."

Cruz has asked the Trump administration place a cap on the price of RIN credits, to help refineries the senator argues are at financial risk from compliance costs that can run hundreds of millions of dollars a year. That proposal has drawn fire from Grassley and other Midwestern politicians who argue Cruz is trying to decimate ethanol demand by reducing financial incentives for refineries to comply with the federal mandate.

Pruitt didn't discuss the cap proposal during Monday's meeting but rather focused the need to find a solution that would help refineries while also giving ethanol producers a boost.

"These market challenges we have are real," he said. "The President has a commitment to the [biofuels mandate] and ranching and farming communities in this country. But he doesn't want refineries to shut down either."

New York Times

<https://www.nytimes.com/2018/03/09/climate/pruitt-red-team-climate-debate-kelly.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency>

The E.P.A. Chief Wanted a Climate Science Debate. Trump's Chief of Staff Stopped Him.

By Lisa Friedman and Julie Hirschfeld Davis, 3/9/18

John F. Kelly, the White House chief of staff, has killed an effort by the head of the Environmental Protection Agency to stage public debates challenging climate change science, according to three people familiar with the deliberations, thwarting a plan that had intrigued President Trump even as it set off alarm bells among his top advisers.

The idea of publicly critiquing climate change on the national stage has been a notable theme for Scott Pruitt, the administrator of the E.P.A. For nearly a year he has championed the notion of holding military-style exercises known as red team, blue team debates, possibly to be broadcast live, to question the validity of climate change.

Mr. Pruitt has spoken personally with Mr. Trump about the idea, and the president expressed enthusiasm for it, according to people familiar with the conversations.

But the plan encountered widespread resistance within the administration from Mr. Kelly and other top officials, who regarded it as ill-conceived and politically risky, and when Mr. Pruitt sought to announce it last fall, they weighed in to stop him. At a mid-December meeting set up by Mr. Kelly's deputy, Rick Dearborn, to discuss the plan, Mr. Dearborn made it clear that his boss considered the idea "dead," and not to be discussed further, according to people familiar with the meeting. All spoke on the condition of anonymity in order to describe internal White House deliberations and meetings.

During that meeting, according to two attendees and a third person briefed on the discussion, administration officials and White House aides were in agreement that Mr. Pruitt's idea was unwise. Their main concern was that a public debate on science — particularly on an issue as politically charged as the warming of the planet — could become a damaging spectacle, creating an unnecessary distraction from the steps the administration has taken to slash environmental regulations enacted by former President Barack Obama.

Asked about the meeting and the administration's internal deliberations, Raj Shah, the deputy press secretary, said: "The Trump Administration will ensure that any climate science review will be conducted through a robust, interagency process, consistent with federal law."

The E.P.A. did not respond to requests for comment.

The episode reflects some of the challenges that Mr. Kelly faces in bringing order to a chaotic White House, where policy deliberations are sometimes circumvented when people close to Mr. Trump approach him personally to seek his approval for unorthodox moves.

Mr. Kelly is a retired four-star Marine Corps general who is said to share the pragmatic view held by military leaders including Jim Mattis, the secretary of defense, that climate change is happening and poses a serious national security challenge. Since he became chief of staff last July, Mr. Kelly has toiled to control access to Mr. Trump to try to ensure that his actions are informed by an orderly process in the West Wing — a pursuit that flies in the face of the president's freewheeling style.

The tension between the White House and the E.P.A. over the red team, blue team idea reflects a broader rift within the administration over whether and how directly to attack climate change science itself. While the words "climate change" have been removed from many federal websites, and Mr. Trump has mocked global warming in tweets, the administration has stopped short of using the power of the federal government to attack the science.

Holding national debates on climate change could have serious policy implications.

The fundamental science, that man-made pollution is overwhelmingly responsible for warming temperatures and rising sea levels, is widely accepted among mainstream scientists. That science formed the basis of a key 2009 E.P.A. decision known as the endangerment finding, which declares that climate change is a threat to human health and welfare. That finding is the legal backbone for almost all federal climate policy and requires the government to regulate greenhouse gas emissions in some manner.

A government critique of climate science could lay the groundwork for challenging the endangerment finding in court.

Climate denialist groups like the Heartland Institute have urged Mr. Pruitt to challenge the finding, while industry associations have expressed little interest in doing so. Tim Doyle, vice president of policy for the conservative business organization American Council for Capital Formation, said the companies he works with have not expressed any interest in a public forum to challenge climate change science.

“We definitely haven’t heard any of our members supporting the red team, blue team concept,” he said. “There’s been, if anything, radio silence about it.”

The idea for red team, blue team climate debates originated with Steven Koonin, a physicist at New York University who was an energy undersecretary under Mr. Obama. Mr. Koonin in April wrote an op-ed in The Wall Street Journal calling for using the military-style exercise — in which one team attacks and another defends — to test the robustness of climate change science. One week later, he paid a visit to the E.P.A. at Mr. Pruitt’s invitation to discuss the idea further.

Mr. Koonin, in an interview, said he has “no dog in this fight” — meaning that he is willing to be persuaded that climate change is an urgent threat — but that he believes there are uncertainties in the science that are worth exploring.

In talking with federal officials, Mr. Koonin said he outlined a vision for a debate including not only the E.P.A. but also the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, both of which collect data and conduct studies on Arctic ice melt, global temperature modeling and other issues. The White House science adviser should coordinate any such exercise, he said, to ensure all relevant government offices participate.

“It would need to be governmentwide, certainly multiagency, in order for it to be robust and taken seriously as a scientific endeavor,” Mr. Koonin said.

Climate scientists and others who oppose the debate idea note that the studies that make up the body of knowledge on climate change already are subject to rigorous peer review. They contend that the red team, blue team exercise would be a politically motivated way to inject doubt into findings that have already been scientifically established.

“The idea of a red team approach is used to test how well forces, or strategy, will perform against an adversary. But climate science is not our adversary,” said Sherri Goodman, a former deputy undersecretary of defense under President Bill Clinton and now a senior fellow at the Woodrow Wilson International Center.

Mr. Pruitt planned to announce his red team, blue team debate in early November, according to a news release that was written but never issued. According to four people who have read the draft news release, the debates were to be organized by the E.P.A.’s science advisory board and not include other agencies.

The announcement of the debates would have coincided with the release of an exhaustive scientific report from 13 United States government agencies that definitively found human activity to be responsible for almost all of the warming that has occurred in the past half-century. It would have also coincided with the start of a United Nations meeting in Germany to discuss the Paris agreement, the global climate accord from which Mr. Trump intends to withdraw the United States’ participation.

When Mr. Trump’s chief of staff learned about the news release, he demanded the debates be delayed until cabinet secretaries and top White House officials could discuss it, according to three people familiar with the discussions. That initial meeting never occurred, but on Dec. 13, the White House convened senior officials to discuss the matter.

According to two people who attended, the meeting included a presentation of the red team, blue team plan by two E.P.A. officials — Mr. Pruitt’s chief of staff and the head of the agency’s air office. Other attendees included senior officials from the Department of Energy, the White House Council on Environmental Quality, the White House Office of Science and Technology Policy, and the National Economic Council.

The meeting was run by Mr. Dearborn and Michael Catanzaro, who is a member of the economic council and the president’s domestic energy and environment policy director.

The takeaway, according to people in the room, was that every office within the White House was opposed to the idea. At one point, Mr. Dearborn said the notion of red team, blue team debates was “dead” and should not be mentioned again. “The chief doesn’t want it,” Mr. Dearborn said, referring to the White House chief of staff, according to one person who attended.

E.P.A. officials were taken aback, the person said.

In the weeks since that meeting, however, Mr. Pruitt said the red team, blue team debates were still under consideration. In January, he told Congress that a report in E & E News, a news organization focusing on energy and the environment that first reported that the White House had killed the plan, was false. White House opposition to the debates was “untrue,” he said under questioning by a senator.

For the moment, even those who have championed the red team, blue team idea like Mr. Koonin are doubtful the debates will happen. “My optimism that we can get this done in a quality way is pretty low at this point,” Mr. Koonin said. “It needs to be a governmentwide exercise and there’s nobody that I know of that has picked up the ball in the White House.”

Daily Caller

<http://dailycaller.com/2018/03/09/john-kelly-killed-pruitts-plan/>

John Kelly Killed Pruitt’s Plan To Publicly Debate Climate Science

By Chris White, 3/9/18, 5:18 PM

President Donald Trump’s chief of staff killed EPA chief Scott Pruitt’s idea to publicly debate the merits and demerits of man-made global warming, according to a report Friday from The New York Times.

John Kelly, a retired four-star Marine Corps general, put a screeching halt to Pruitt’s goal to craft a red team and blue team to challenge climate change science, three people familiar with the deliberations told TheNYT. Trump has expressed interest in the idea.

Pruitt, who famously sued the agency more than a dozen times as Oklahoma’s attorney general, spent more than a year championing the notion of holding military-style exercises to question the validity of climate change. He even floated the idea of televising the debates, all in an effort to bring transparency to the science.

Military and intelligence agencies use a similar debate tactic to expose vulnerabilities to strategic systems. The tactic would give needed balance to climate science, a field of research many believe has been monopolized by activists, skeptics say. Some in the administration were enthusiastic supporters, however, Kelly and others were skeptical about the proposal.

White House officials were in agreement that Pruitt’s idea was unwise, according to sources who attended a meeting discussing the proposal. Their main objection was that a public debate on the hot-button issue of climate science could create an unnecessary distraction as Trump seeks to pullback elements of former President Barack Obama’s environmental legacy.

Some inside the administration worried the debate would muddy the waters of Pruitt’s de-regulatory mission. The Environmental Protection Agency finalized 22 deregulatory actions in 2017, which could save \$1 billion in regulatory costs. The agency is working on another 44 deregulatory actions, including the repeal of the Clean Power Plan and Clean Water Rule.

Elements within the Obama administration even promoted the idea. Steve Koonin, a former Energy Department head during Obama’s tenure, for instance, suggested a red team-blue team approach in an April editorial to put the issue to rest. He was a rarity in the Obama administration.

Koonin has “no dog in this fight,” he told TheNYT in an interview, meaning there are uncertainties in the science that are worth exploring, but he can still be convinced that climate change is a unique threat deserving of immediate action.

The EPA has not responded to The Daily Caller News Foundation’s request for comment about the validity of TheNYT’s report.

The Hill

<http://thehill.com/policy/energy-environment/377658-john-kelly-killed-pruitts-climate-science-debate>

John Kelly killed Pruitt’s climate science debate

White House chief of staff John Kelly killed Environmental Protection Agency (EPA) Administrator Scott Pruitt's plan for a public debate on climate change science, according to a New York Times report Friday.

Pruitt for months has been talking publicly about organizing a government "red team, blue team" exercise among climate change experts and skeptics, possibly on television, and President Trump was receptive.

But at a December meeting that included representatives from the White House and the EPA, Rick Dearborn, Kelly's deputy, relayed that the concept is "dead" and Kelly would not allow the idea to take flight, the Times reported, citing three people familiar with the meeting.

Administration officials were worried that the exercise would be too politically risky and draw negative attention to Trump's aggressive mission to undo the Obama administration's climate policies.

White House deputy press secretary Raj Shah told the Times that the administration "will ensure that any climate science review will be conducted through a robust, interagency process, consistent with federal law," while the EPA did not respond to a request for comment.

The idea came from Steven Koonin, a New York University physicist and former Energy Department official during the Obama administration.

"The American people deserve an honest, open, transparent discussion," about climate science, Pruitt said last year. "What do we know? What don't we know? Does it pose an existential threat, what can be done about it?"

Pruitt has said that the climate is changing and humans have played some role. But he has questioned whether humans are the dominant cause or whether global warming would be harmful to humans, two questions that scientists widely answer in the affirmative.

E&E News reported after the December meeting that officials had put the debate idea on hold.

But when lawmakers asked Pruitt about that report later, he said it was "untrue," and that he was still planning the exercise.

Mother Jones

<https://www.motherjones.com/politics/2018/03/scott-pruitt-john-kelly-climate-change-debates/>

EPA Chief Scott Pruitt Wanted A Live TV Debate Questioning Climate Change

By Andy Kroll, 3/10/18, 2:48 PM

Scott Pruitt, the polluter-friendly chief of the Environmental Protection Agency, has already amassed a lengthy list of extreme, fringe accomplishments. As Rebecca Leber wrote in her recent Mother Jones cover story, Pruitt has set out to demolish one EPA policy after another during his first year on the job, driven by his religious beliefs and personal ambition.

But the New York Times reports that one of Pruitt's most radical ideas—a series of "military-style" debates challenging the validity of the science of climate change—was too far-out even for the Trump White House. Pruitt, a climate denier, has been pushing for so-called red team-blue team debates that would present the issue as open to debate. (Never mind that the science is settled: 97 percent of climate scientists agree that the planet's warming over the past century is very likely due to humans. "Scientific evidence for warming of the climate system is unequivocal," according to the Nobel Peace Prize-winning Intergovernmental Panel on Climate Change.)

The Times says that Pruitt mulled broadcasting his climate-change debates on live television and that he raised the idea with the ratings- and reality TV-obsessed president. Yet John Kelly, the White House chief of staff, wanted nothing to do with the debates:

But the plan encountered widespread resistance within the administration from Mr. Kelly and other top officials, who regarded it as ill-conceived and politically risky, and when Mr. Pruitt sought to announce it last fall, they weighed in to stop him. At a mid-December meeting set up by Mr. Kelly's deputy, Rick Dearborn, to discuss the plan, Mr. Dearborn made it clear that his boss

considered the idea “dead,” and not to be discussed further, according to people familiar with the meeting. All spoke on the condition of anonymity in order to describe internal White House deliberations and meetings.

Don't expect the EPA's deregulator-in-chief to be thwarted. It's pretty clear that Pruitt has his sights set on a larger stage—the Senate? The White House? But first he wants to undo as much as of the previous administration's work as he can, far from the glare of TV lights.

E&E Climatewire

<https://www.eenews.net/climatewire/stories/1060075985/search?keyword=EPA>

Pruitt's youth advisers slam federal inaction on climate

By Niina Heikkinen, 3/12/18

U.S. EPA's youngest social justice advisers are hammering the federal government for its lack of action on climate change.

In a draft report — prepared for EPA Administrator Scott Pruitt and other agency officials — a group of outside advisers calls on the Trump administration to take action on climate change and offers tips on how to engage young Americans on the issue.

"Despite the urgency of climate change, political will at the national level has lagged behind or been outright captured by the powerful interests opposed to bold and just solutions offered by young people, desperate to defend their future rights to a clean and healthy planet," wrote the Youth Perspectives on Climate Change Work Group.

The report is an uncommon example of an EPA-requested document talking about climate change in an administration peppered with officials who question mainstream climate science. EPA has cut mentions of the largely man-made driven phenomenon from its website and is in the process of unraveling regulations meant to control greenhouse gas emissions.

The draft is yet to be approved by EPA's National Environmental Justice Advisory Council (NEJAC), which helped establish the youth group in 2015 in order to find ways to include more young people's perspectives in addressing climate change. The 85-page document is the result of collaborative work of 15 youth representatives between the ages of 19 and 29. Its members — who come from academia, environmental groups and local government — are either currently working with local communities vulnerable to climate change or have done so in the past.

Samantha Shattuck, a public health specialist and the group's co-chair, noted that each of the report's authors was representing his or her own views and experiences in the report. She added that she was not able to comment on the report directly as it is still unpublished.

The group members are charged with two main tasks — providing recommendations for how EPA could "authentically engage" with youth between the ages of 14 to 29 to be more resilient to climate change and suggesting ways to develop youth-led projects to address health problems related to climate. The report's recommendations are based on the experiences of its members as well as a number of case studies drawn from the organizations the group's members are affiliated with.

Shattuck said the authors sought to provide guidance not only to EPA, but for how other federal agencies and nongovernmental organizations could incorporate youth voices on climate change and environmental justice more effectively.

"The longevity of these vulnerabilities demonstrates the importance of engaging youth, the individuals who will be the next leaders in government, academia, industry, and in nonprofits. Youth need the capacity and knowledge to more critically assess and address climate justice challenges in the future, and engaging them effectively will aid in the development of future thought leaders in this space to help with growing infrastructure, research, and policy issues," the report's authors concluded.

A number of the recommendations focus on increasing youth representation across the decisionmaking process at the agency level and offer suggestions on how EPA can support the development of the next generation of climate leaders by providing funding to outside organizations.

For example, the authors suggest that at least 20 percent of federal advisory bodies should be made up of youth affected by climate change. They also call for EPA to target funding toward organizations that provide youth with a living wage.

"In the environmental field in general, there is a lot of barriers to entry, not the least of which being unpaid work," said Shattuck. "So coming from a privileged position, a lot of students are able to take off and work unpaid, they may have their families supporting them. But communities who are coming from low-income backgrounds may not be able to take off unpaid work."

This disparity is especially problematic because youth from low-income backgrounds are those most likely to bear the brunt of climate change impacts and other pollution sources, she added.

The report encourages the federal government and other groups to seek input from young Americans who aren't necessarily the straight-A environmental science students, but may have a "visceral level" understanding of climate effects and may not have any previous leadership experience.

"I think there's traditionally an idea that people of color don't care as much about the environment because they don't visit parks or national parks, but so much of it is about access and opportunity. Who is more likely to have paid vacation, who is more likely to live in places with a healthier environment, farther away from industry?" she said.

The report's authors received comments on the draft last week from NEJAC and expect to have the final report finalized and publicly available in May or June.

The draft report comes out the same week Pruitt announced the appointment of eight new members to NEJAC, which is overseeing the work group. The administrator also announced he was seeking nominations to fill four vacancies.

"I am proud to announce this distinguished group of new members to the NEJAC," Pruitt said in a statement last week.

"Their significant experience and expertise will be invaluable to the NEJAC as it provides advice and recommendations to help the Agency improve public health, protect the environment, and support economic growth for all people."

AP

<https://apnews.com/fc7f53cf670f49d384dbe8275a9ffb2c/EPA-hires-GOP-media-firm-to-produce-report-praising-Pruitt>

EPA hires GOP media firm to produce report praising Pruitt

By Michael Biesecker, 3/9/18

WASHINGTON (AP) — The Environmental Protection Agency used public money to hire a private media firm with strong Republican ties to help produce a report promoting Administrator Scott Pruitt's first-year accomplishments.

Records show EPA paid \$6,500 last month Go Big Media Inc. for work related to "design, graphics, production and edits of the EPA end of year report." Go Big was founded by Republican political strategist Phillip Stutts and counts GOP candidates and conservative groups among its clients.

The 37-page report issued by the agency earlier this week references Pruitt by name 214 times. Of the two dozen photos included in the document, 20 include the administrator, a Republican who previously served that the elected attorney general of Oklahoma.

EPA spokesman Jahan Wilcox defended the contract.

"We had two options: one vendor was \$29,140 and the other was \$6,500, but ultimately this document was made in-house," Wilcox said.

It is at least the second time in the last year that EPA has hired a Republican-affiliated firm to assist its public affairs efforts.

In December, EPA pulled out of a \$120,000 no-bid contract with Definers Public Affairs, a Virginia public relations firm founded by former Republican campaign operatives that specializes in opposition research on its clients' political opponents and corporate rivals. The New York Times reported that a senior vice president at the firm had filed at least 40 requests under the Freedom of Information Act, many of them seeking emails and other records from EPA employees who have spoken out against Pruitt's regulatory rollbacks.

Wilcox said the Go Big contract, which was first reported by E&E News, "pales in comparison" to the \$568,000 paid under the

Obama administration to Strategies 360, a public relations firm co-founded by a former Democratic campaign manager.

In that case, the firm was hired by the Swinomish Indian Tribe, which received a portion of an EPA grant to the Northwest Indian Fisheries Commission to help educate the public about clean water initiatives in Puget Sound. A subsequent review by EPA's Inspector General concluded last year that the payment to Strategies 360 did not violate federal lobbying prohibitions.

The Hill

<http://thehill.com/policy/finance/377659-epa-hired-right-wing-media-firm-to-compile-its-year-in-review>

EPA hired right-leaning media firm to compile its 'year in review'

By Miranda Green, 3/9/18, 3:54 PM

The Environmental Protection Agency paid a media group that largely works with Republicans thousands of dollars to compile the agency's annual "year in review" report, according to public financial documents.

Go Big Media, a right-leaning digital consulting and advertising firm, was paid \$6,500 by the EPA in February to create the report, E&E News first reported. One of the company's previous clients include Interior Secretary Ryan Zinke, when he ran for Congress in Montana.

The company's founder, Philip Stutts, also regularly appears as a commentator on Fox News, according to Go Big Media's website.

EPA spokesman Jahan Wilcox confirmed the contract, highlighting that it was the cheapest option.

"We had two options: one vendor was \$29,140 and the other was \$6,500, but ultimately this document was made in-house. This pales in comparison to the previous administration that paid \$570,000 to a Democratic campaign manager's PR firm to run EPA's What's Upstream campaign," Wilcox said in a statement.

The report, released Monday, touted the EPA's top achievements and highlighted, among other things, a The Hill article entitled: "EPA staffing falls to Regan-era levels."

Other accomplishments highlighted in the report included the agency's rescinding of the Waters of the United States rule and EPA Administrator Scott Pruitt's directive to remove scientists from sitting on advisory boards who receive agency grant funding.

"Administrator Pruitt's directive ensures that EPA's Federal Advisory Committees (FACs) provide a diverse and independent range of perspectives. Members serving on an EPA FAC shall not simultaneously receive grants from the agency," the report read.

In December, Mother Jones first reported that Pruitt paid a Republican opposition research firm \$120,000 to provide media monitoring. Days after the news broke, the EPA rescinded the no-bid contract with Definers Public Affairs.

"How we consume our news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor," Wilcox told The Hill at the time.

The Hill

<http://thehill.com/policy/energy-environment/377720-epa-science-advisers-havent-met-in-6-months>

EPA science advisers haven't met in six months: report

By Jacqueline Thomsen, 3/10/18, 9:05 AM

The Environmental Protection Agency's (EPA) scientific advisory board (SAB) hasn't met in at least six months, Scientific American reported this week.

The magazine said the full EPA board last met in August, and has not held conference calls or votes since then. One board member said that in the past, the group would have met or been in contact several times.

The EPA said that the group hasn't met because of delayed paperwork, which stops the board from having enough members to reach a quorum.

However, one board member said that EPA head Scott Pruitt was slowing down the board until about a dozen members' terms end in September.

"He's running out the clock, because in the end of September, he gets another chunk of them off," the member told Scientific American. "The obvious interpretation is that he's making sure he doesn't use the SAB until he has appointed the overwhelming majority of the people on the SAB."

Peter Thorne, a professor at the University of Iowa College of Public Health and former chairman of the board, said the board would normally have at least one two-day meeting and a couple of teleconferences over the span of six months.

He added that EPA officials would also consult the board on the science behind new regulations.

"If there are reports or regulatory actions that are being scheduled or that are happening and they're not coming to the science advisory board, then something is most definitely lost, because the board provides very important input to the process and scientific rigor," Thorne told Scientific American.

Pruitt has taken steps to reshape the agency's advisory boards, blocking scientists who have received past EPA grants from sitting on the boards. The EPA said the move was to eliminate conflicts of interest, but critics have said it allows more industry advocates to work as EPA advisers.

The Hill

<http://thehill.com/policy/energy-environment/377921-trump-admin-wants-case-over-epa-science-advisers-dismissed>

Administration asks court to dismiss lawsuit from EPA scientists

By Timothy Cama, 3/12/18, 10:13 AM

Attorneys for the Trump administration are asking a court to dismiss a lawsuit challenging Environmental Protection Agency (EPA) head Scott Pruitt's new policy on science advisers.

Justice Department attorneys argued that Pruitt's policy preventing EPA grant recipients from serving on external advisory committees is well within government ethics rules and Pruitt's authority to pick his own advisers.

"Plaintiffs make the extraordinary claim that the EPA's effort to ensure a diversity of viewpoints on advisory committees that provide advice and recommendations to the administrator somehow violates government-wide ethics rules. But the directive that plaintiffs challenge does no such thing," the government wrote in a motion filed late Friday.

Lawyers further argued that the directive is not intended to change ethics rules, but is instead merely "a general statement of policy that describes the appointment philosophy EPA will apply regarding the federal advisory committees it administers."

"Ultimately, the power to appoint committee members is the administrator's alone and is non-reviewable by the courts under the circumstances presented here," the attorneys said in asking for dismissal. "Plaintiffs' challenge to these highly discretionary policy judgments and the EPA's power to make them is unprecedented and should be rejected by the court."

The case is being heard in the federal District Court for the District of Columbia by Judge Trevor McFadden, who was nominated last year by President Trump.

Pruitt rolled out the policy in October 2017, arguing that EPA grantees — generally academics with expertise in areas like public health and pollution — have significant conflicts of interests. He said the new policy for advisers would eliminate such conflicts.

"We want to ensure that there's integrity in the process, and that the scientists who are advising us are doing so with not any type of appearance of conflict," Pruitt said at the time. "And when you receive that much money ... there's a question that arises about independence."

Pruitt estimated that in the last three years, grantees sitting on the main three EPA advisory committees had received \$77 million from the agency. The policy banning grant recipients from the boards is agency-wide, applying to all 22 advisory committees.

A handful of committee members were pushed out, and many were replaced by industry- or Republican-friendly advisers.

Some groups and researchers sued the EPA in December, saying the policy violated laws governing ethics, advisory committees in general and specific laws that authorized certain committees.

"EPA's effort to purge independent scientists from its advisory committees has harmful implications for the nation's health," Barbara Gottlieb, director of Physicians for Social Responsibility, said at the time. Her group is the leading plaintiff in the case, Physicians for Social Responsibility et al. v. Scott Pruitt.

"Losing top-flight academic researchers, and replacing them with industry-dependent voices, will undermine actions to protect us from toxic pollutants and life-threatening climate change. If EPA won't abandon this harmful approach, we're happy to take them to court."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076093/search?keyword=EPA>

City leaders press Pruitt aides on climate, staffing

By Kevin Bogardus, 3/12/18

Elected officials from around the country questioned two senior aides to U.S. EPA Administrator Scott Pruitt over the weekend.

During a conference hosted by the National League of Cities, local leaders pressed Dennis Lee Forsgren, deputy assistant administrator in EPA's Office of Water, and Albert "Kell" Kelly, a senior adviser to Pruitt, on issues related to infrastructure and climate change.

Forsgren touted President Trump's infrastructure plan and EPA's role in the proposal, including its handling of Water Infrastructure Finance and Innovation Act, or WIFIA, loans that can help rebuild water systems.

Forsgren also talked about Pruitt's effort to combat lead poisoning, as well as EPA's work to revise the Lead and Copper Rule.

One worry about the regulation is how the agency will move to phase out lead in drinking water, such as requiring replacements of lead service lines. Forsgren hinted at that problem in his speech yesterday.

"We would expect to be moving out smartly with new rules on the Lead and Copper Rule. We also understand that if we're not careful in how to do that, we could wind up with a large unfunded mandate, so we're working for ways to find financing and other mechanisms to allow for that," Forsgren said.

On climate, Forsgren said the agency has been working to make sure wastewater systems are located in areas that won't be affected by rising global temperatures.

"We are aggressively working on things in the Office of Water like resiliency," Forsgren said. "We can debate about the initiatives, but one thing I can say is Administrator Pruitt is more committed than anyone I've ever met to making sure the next generation has a future."

Kelly, a former Oklahoma banker who has been charged with Pruitt to lead a task force to improve its Superfund program, told officials to take his business card and call his cellphone if they needed EPA's help.

"We work for you," Kelly said. "Contrary to the way sometimes federal government or federal agencies come across, we work for all of you, and we should respond that way."

He discussed work on the Superfund task force, including setting up working groups at the agency to implement 42 recommendations from a report the group issued last year.

Kelly said he expected all those recommendations "to be underway or implemented" by the report's one-year anniversary of June 22 this year.

"Why is that important? It's important because those Superfund sites represent those things that are in our country that are of high environmental concern," Kelly said.

Both EPA officials addressed worries about hundreds of agency employees leaving over the past year. Several EPA staffers took buyouts or retired in 2017.

Last month, the administration proposed deep cuts for the agency in fiscal 2019 that would reduce the workforce to 12,250 employees (Greenwire, Feb. 12).

"You all have the same problems as local officials. You can't do everything you would like to do with the resources you have. We can only use the resources that the Congress provides us," Forsgren said.

Hometown Superfund site

After his remarks to the conference, Kelly spoke to E&E News about his experience with the Superfund program in his hometown of Bristow, Okla.

A family company owns land in the town, including some parcels next to the abandoned Wilcox Oil Co. refinery that is on EPA's list of toxic waste sites (Energywire, Feb. 28).

Kelly is familiar with the old refinery, saying it has its own "unique characteristics," noting the nearby church was damaged by oil leaking from the site.

"I have not been really involved in that Superfund site other than to know what's going on," Kelly said. Asked if he has a formal recusal related to the site, Kelly said he didn't.

"If it were deemed to be something that I should do, I would. But I'm not influencing that. I mean the professionals out of Region 6 are handling it. I'm not doing anything on it," Kelly said. He emphasized his job at EPA was not to work on specific sites but to help improve the program.

"I don't really make any decisions on Superfund sites. Those are made by the administrator and the region. What I try to do is make things move a little faster, utilize our great EPA professionals and help them do their jobs. It has worked pretty well," Kelly said.

More personnel on Superfund are coming to EPA. Last week, Trump nominated Peter Wright, a Dow Chemical Co. lawyer, to lead the agency's Office of Land and Emergency Management, which oversees the program.

Asked how he would work with Wright, Kelly noted that he doesn't "really fold up" under the solid waste office but was ready to work with Wright once confirmed.

"I will do whatever I can to work with him," Kelly said. "We'll work hand in glove with him, and I will work hard not to step on anybody's area."

The Hill

<http://thehill.com/homenews/administration/377710-cabinet-officials-rebuked-by-white-house-amid-ethics-questions-report>

Cabinet officials rebuked by White House amid ethics questions: report

By Max Greenwood, 3/9/18, 9:29 PM

Four Cabinet-level officials were reportedly scolded in private meetings at the White House last month for news stories detailing questionable ethical behavior.

CNN reported Friday that Interior Secretary Ryan Zinke, Housing and Urban Development Secretary Ben Carson, Veterans Affairs (VA) Secretary David Shulkin and Environmental Protection Agency Administrator Scott Pruitt were among those called to the White House.

The meetings were held at the request of White House chief of staff John Kelly, and stressed the importance of avoiding even so much as the appearance of unethical behavior, according to CNN.

The agencies were also reportedly given guidelines, titled "creating a culture of compliance." The advice outlined in that document highlighted the importance of "optics," saying that officials should refrain from behavior that could appear outside their agency's mission.

A number of Cabinet-level officials in the Trump administration have faced scrutiny amid questions dealing with ethical behavior.

Pruitt faced backlash over first-class travel on official trips, while Zinke's travel is the subject of investigations by the Office of Special Counsel and the Interior Department's inspector general.

Carson has also come under fire for purchasing a \$31,000 table for his office, an order he canceled last week, while a trip to Europe by Shulkin last summer was the subject of an inspector general's report. That report found that the VA secretary misused government resources.

CNN

<https://www.cnn.com/2018/03/09/politics/cabinet-secretaries-ethical-behavior/index.html>

White House scolds Cabinet officials after embarrassing ethics reports

By Cristina Alesci, 3/9/18, 9:22 PM

(CNN)The White House held private meetings with four Cabinet-level officials last month to scold them for embarrassing stories about questionable ethical behavior at their respective agencies, sources familiar with the sessions tell CNN.

Internal watchdogs have launched at least nine audits, reviews or investigations across several Cabinet agencies, and stories about first-class travel, expensive office furniture, and internal strife have become commonplace.

Interior Secretary Ryan Zinke, Housing and Urban Development Secretary Ben Carson, Veterans Affairs Secretary David Shulkin and Environmental Protection Agency Administrator Scott Pruitt all met with officials from the White House counsel's office and the Cabinet liaison.

The meetings, held at chief of staff John Kelly's request, were intended to provide "a clear message that optics matter," the sources said.

The White House gave the agencies a set of guidelines in a document titled "creating a culture of compliance," according to portions of the document obtained by CNN.

Among the highlighted advice:

- "You are the best guardian of your reputation. Your recordkeeping practices must be designed with a purpose to prove innocence at the complaint phase or with the press."
- "Even if legal, does not mean you should do it -- always consider optics."
- "Optics questions: Does the event or travel further the President's priorities, your department or agency's mission; or, does it appear recreational or entertainment in nature."
- "Remember, an ethics opinion matters only if the ethics officer received all of the information."

The White House declined to comment.

During the meetings, the White House officials asked agencies to flag any possible problems, including ongoing investigations or audits.

But shortly after the session with Zinke, CNN published a report with several examples that ethics watchdogs say raise questions about whether Zinke is misusing his travel privileges, despite receiving approval from the department's lawyer and ethics officer.

The White House was disappointed after meeting with Zinke because his agency failed to mention the story, of which Interior was

aware and quoted a department spokesperson on the record, the source familiar told CNN.

Asked about the White House's unhappiness, an Interior spokesperson who declined to be named, "this is such a nothing-burger."

The person added, "Cabinet secretaries and staff meet with the White House constantly about a number of issues to include advancing policy priorities and strategy."

In his meeting, VA Secretary Shulkin was told he could no longer discuss purging agency employees after he told Politico he had permission from the White House to remove insubordinates. He was also advised that stories about "palace intrigue" were unacceptable, a source familiar said.

When asked about the meeting, the VA public affairs office replied in a statement: "President Trump tasked Secretary Shulkin with reforming the VA so it could better serve the men and women who sacrificed to protect our country. Many reforms have already been enacted, many more are still needed, but nothing will distract the President, the Secretary and the Department from finding the best ways to provide care and benefits to our country's heroes."

EPA spokesman Jahan Wilcox denied CNN's characterization of Pruitt's White House meeting.

"This is entirely untrue," Wilcox said. "Administrator Pruitt has regular meetings with a number of officials at the White House. Throughout those meetings, the White House has offered continued support of EPA, to help the Agency succeed in furthering the President's environmental agenda."

HUD did not respond to a request for comment.

Last week, Carson canceled a \$31,000 dining room furniture purchase after a whistleblower said she was demoted when she refused to break the law and overspend for redecorating Carson's office. The agency has denied the allegations. HUD's inspector general is also looking into the role Carson's family has played in department business.

It's unclear what answers the agencies provided when asked to spot potential problems, but there are open reviews and inquiries across several agencies.

EPA's internal watchdog is investigating the frequency, cost and extent of Pruitt's travel following reports of his many flights to his home state of Oklahoma and that he used taxpayer funds on first-class flights and luxury hotels that exceeded his predecessors. EPA has cited security concerns as the reason Pruitt flies first class.

Zinke's travel is also under investigation by both the Office of Special Counsel and the Interior Department's inspector general, including a visit he had with a hockey team owned by a former donor to his 2014 campaign.

The VA's inspector general recently released a damning report about Shulkin's July 2017 trip to Europe. The report concluded that Shulkin misused taxpayer funds and inappropriately accepted Wimbledon tickets, and that his then-chief of staff doctored an email to justify the department paying for his wife's airfare to accompany him. Shulkin has said he intends to comply with all the IG recommendations, even though he disagreed with them.

In addition, multiple sources tell CNN that the secretary had been locked in battle with a group of Trump administration officials, who Shulkin says have been working to push him out of the department.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/judge-orders-epa-to-issue-ozone-designations-quickly-783439>

Judge orders EPA to issue ozone designations quickly

By Alex Guillen, 3/12/18, 1:56 PM

A federal judge today said EPA was clearly in the wrong when it missed an October deadline to declare which areas do or do not meet the 2015 ozone standard, and ordered the agency to issue most of the designations by the end of next month.

EPA has said it can complete almost all of the remaining areas by April 30. Though the agency already announced that about 85

percent of the country meets the standard, it has yet to declare how much of the remainder will be designated non-attainment and be required to curb pollution.

The one exception among the remaining areas is the San Antonio region. EPA said it would need until Aug. 10 to review recently submitted data from the state.

But Judge Haywood Gilliam Jr. of the U.S. District Court for Northern California sided with the environmental challengers and ordered EPA to finish the San Antonio decision by July 17. That 127-day timeline gives EPA one week to send Texas proper notice of how it intends to categorize San Antonio, plus the standard 120 days for the state to review and respond.

Gilliam, an Obama appointee, said EPA failed to show why it would need further time to finish the San Antonio designations and that "EPA's reasoning effectively allows states to drive the agency's timeline for statutory compliance."

WHAT'S NEXT: EPA must issue most of the remaining ozone designations by April 30, and the San Antonio designations by July 17.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060075965/search?keyword=EPA>

EPA faces growing calls to replace lead pipes

By Ariel Wittenberg, 3/9/18

U.S. EPA is facing pressure to require some form of lead pipe replacement when it revamps its lead and copper drinking water regulations.

Democratic Reps. Gwen Moore of Wisconsin and Louise Slaughter of New York have sent a letter to EPA Administrator Scott Pruitt this week urging him to require "full replacement of all lead service lines" nationwide.

Lead is a potent neurotoxin that is particularly harmful to children.

Public health experts have long argued that the best way to reduce exposure to lead in drinking water is to replace 7 million to 11 million lead water lines — a job that water utilities estimate would cost \$30 billion.

One of the challenges in removing lead service lines is that no one knows exactly how many exist. The American Water Works Association estimates there could be 3.3 million to 10 million lead pipes in service.

In comments to EPA, AWWA says the agency should require utilities to develop an inventory of lead pipes within their service area.

While AWWA doesn't put a timeline on removal of lead pipes, the water utility interest group does recommend that a final lead regulation "result in ... development of plans for the complete removal of lead service lines through a long-term, shared commitment."

"Lead service line replacement strategies must consider other water and non-water improvements and customer affordability challenges. Locally developed programs, responsive to local circumstances, are essential."

EPA has been working on revising the Lead and Copper Rule since 2010. After the drinking water crisis in Flint, Mich., the agency said a new rule would come out in June 2017. The Trump administration has pushed back that date twice, and a new proposal is now expected in August 2018.

As part of a new rule, AWWA also says EPA should require "robust" corrosion control methods to prevent lead from leaching out of pipes and into water, as well as more public outreach on lead risk.

Slaughter and Moore are also asking EPA to drastically change water sampling requirements.

Critics have long said existing sampling standards can be manipulated in ways that don't give an accurate picture of lead contamination. In addition, it's often the same homes with a low risk of having lead that are tested multiple times, leaving out possible contamination in the wider communities. Large utilities are also allowed to sample just once every three years.

"EPA has allowed these techniques to continue without consequence," the lawmakers wrote. "We must implement strict testing procedures and discourage creative testing strategies that allow failing systems to persist."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076071/search?keyword=EPA>

Pruitt ag adviser leaves

By Kevin Bogardus, 3/12/18

Jeff Sands, U.S. EPA Administrator Scott Pruitt's senior agricultural adviser, has left the agency, sources told E&E News.

Sands resigned from EPA in early March and has returned to Capitol Hill. He started last week as a policy adviser in Florida Republican Rep. Ted Yoho's office, according to Brian Kaveney, a Yoho spokesman.

An EPA spokesman said, "Jeff provided great guidance on issues affecting American farmers and we wish him the best of luck moving forward."

Sands was only at EPA for a few months, having joined the agency this October. At the time, Pruitt said in a statement that Sands' "expertise in agriculture issues will be essential to advancing Agency goals moving forward" (E&E Daily, Oct. 18, 2017).

Prior to EPA, Sands was a lobbyist for agribusiness giant Syngenta AG. He was part of the company's team of lobbyists that worked on several issues before the agency, including the renewable fuel standard, policies dealing with pesticides, as well as changes to scientific advisory work.

Sands' lobbying led to him being granted a waiver from President Trump's ethics pledge, specifically exempting him from lobbyist restrictions.

In its request for the waiver, EPA said Sands was "a valuable addition" to Pruitt's team, whom the administrator needed "to be able to work on the full range of agricultural issues to the maximum extent possible" (Greenwire, Feb. 23).

Sands has also lobbied for the Agricultural Retailers Association and has previous Capitol Hill experience. He has been an aide to Rep. Tom Marino (R-Pa.) on agricultural issues.

AP

<https://apnews.com/10ec44dfe1bb4b8eae54b62f3e5b3ff2/2-ex-US-environmental-chiefs-blast-truck-emissions-loophole>

2 ex-US environmental chiefs blast truck emissions loophole

3/12/18

NASHVILLE, Tenn. (AP) — Two ex-U.S. Environmental Protection Agency administrators say officials should withdraw a proposed trucking emissions exemption, saying it's based on flawed scientific analysis.

Carol M. Browner under President Bill Clinton and Christine Todd Whitman under President George W. Bush criticized the glider kit trucks proposal in Friday's letter to EPA Administrator Scott Pruitt.

The letter says the industry evades diesel truck pollution standards with rebuilt, high-polluting engines in new truck bodies.

It says the EPA used a Tennessee Technological University study that the school's president has since said to avoid while potential research misconduct is investigated.

Rep. Diane Black pushed the exemption using the study funded by a Tennessee glider kit company whose employees and family donated heavily to her gubernatorial campaign.

Her campaign responded she fights for rural manufacturing jobs.

The Hill

<http://thehill.com/policy/energy-environment/377931-two-former-epa-heads-urge-pruitt-to-withdraw-changes-to-glider>

Ex-EPA heads urge Pruitt to scrap changes to truck pollution rule

By Miranda Green, 3/12/18, 11:38 AM

Two former Environmental Protection Agency (EPA) chiefs are urging current administrator Scott Pruitt to withdraw a proposal to lower pollution standards for heavy-duty trucks after reports the agency may have relied on a compromised study to reach its decision.

The joint letter sent Friday by former administrators Carol Browner and Christine Whitman, who served under Presidents Bill Clinton and George W. Bush, respectively, asked Pruitt to utilize "sound science" and consider the best available research when making policy decisions regarding pollution standards for glider trucks.

"Throughout our tenures as Administrators, our policy decisions were centered on the best available research and scientific protocols. We are deeply troubled that the Agency's steadfast commitment to public health and environmental protection based on the best available science is being undermined – putting at risk air and water quality and endangering children and families," the letter reads.

Their letter followed reports in late February that a key study the EPA was relying on for its determination to change the rule was being rescinded by the university in charge of it.

The president of Tennessee Tech University disavowed the "Environmental and Economic study of Glider Kit Assemblers" report, writing in a letter to Pruitt directly that experts were now questioning "the methodology and accuracy" of the test, and that EPA should no longer consider the findings.

The school's president, Philip Oldham, also said they were researching allegations of research misconduct.

The former EPA heads wrote Pruitt that in light of the news, he should withdraw his proposal to change the emissions guidelines.

"Not only does it appear that the Tennessee Tech study failed to follow proper research protocol, the conclusions of the study are contrary to a well-established understanding of the pollution from older diesel engines," reads the letter. "In light of the serious questions raised about the study, we urge you withdraw the glider proposal."

The Washington Post first reported in November that the study was funded by Fitzgerald Glider Kits, a company that makes new truck bodies, known as gliders, with refurbished engines, and which is the biggest glider manufacturer in the country.

Currently, the big rigs sold by Fitzgerald utilize a federal law loophole that allows them to run on rebuilt diesel engines that generate 40 to 55 times the air pollution of newer trucks, according to federal estimates, but do not have to comply with modern emissions rules.

Earlier in February, the New York Times reported close ties between Fitzgerald and the Trump administration that have supported keeping the loophole open. President Trump made a stop at Fitzgerald dealership during his campaign and Rep. Diane Black, a Republican candidate for Tennessee governor, has introduced legislation in the past to attempt to keep the loophole permanent.

While her legislation failed, the Times reported that Black initially presented the Tennessee Tech study to Pruitt last fall, which led him to make the exemption to the gliders in November.

Just six weeks earlier, Fitzgerald business entities as well as family members and associates connected to the company contributed at least \$225,000 to Black's campaign for governor, the Times found through federal campaign disclosures.

Democrats urge Pruitt to drop glider rule repeal

By Alex Guillen, 3/12/18, 11:10 AM

Two key Senate Democrats today urged EPA Administrator Scott Pruitt to reverse his proposal to repeal part of an Obama-era rule setting new emissions standards for gliders, refurbished engines placed into new truck cabs.

Sen. Tom Carper (D-Del.), the ranking member on the Environment and Public Works Committee, and Sen. Tom Udall (D-N.M.), the top Democrat on the EPA appropriations panel, wrote in their letter that they are "deeply troubled" by political and scientific questions around EPA's proposed repeal.

Although the country's biggest glider manufacturer, Fitzgerald Glider Kits, never challenged the glider requirements in court, it successfully petitioned EPA to repeal that part of the rule last year. EPA said it no longer believed it has the statutory authority to regulate gliders like new trucks.

Carper and Udall argue that there is substantial evidence gliders emit drastically more pollution than newly manufactured engines. They note Tennessee Technical University is now investigating a key study on glider emissions that was part of Fitzgerald's pitch to EPA and which the school has warned EPA not to rely on.

They also pointed to a November study from EPA's National Vehicle & Fuel Emissions Laboratory that found that under certain conditions, gliders emitted 43 times the nitrogen oxide emissions of new trucks and as much as 450 times the particulate matter.

Carper and Udall ask in the letter "that you immediately announce plans to withdraw this proposal." The lawmakers also called on EPA to produce documents regarding the repeal, Pruitt's meetings with Fitzgerald executives and other issues.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076087/search?keyword=EPA>

Agency punches back in science advisers lawsuit

By Sean Reilly, 3/12/18

U.S. EPA Administrator Scott Pruitt has sole authority to name members to almost two dozen advisory committees, agency attorneys argue in a new court filing that seeks to throw out a lawsuit challenging membership standards imposed last fall.

"Ultimately, the power to appoint committee members is the administrator's alone and is non-reviewable by the courts under the circumstances presented here," agency lawyers wrote in a lengthy dismissal motion Friday with the U.S. District Court for the District of Columbia. The suit "is unprecedented and should be rejected," the filing added.

The salvo marked EPA's first formal response to the legal challenge, which is the first of three brought by various university researchers and advocacy groups since Pruitt announced the new standards in late October.

Most controversially, Pruitt's policy bars current recipients of EPA grant funding from serving on the Science Advisory Board, the Clean Air Scientific Advisory Committee and some 20 other panels that provide outside expertise on subjects ranging from water quality to environmental justice.

Pruitt framed the policy as a matter of preserving the independence of advisory committees from agency influence. Critics have countered that EPA already has adequate conflict-of-interest yardsticks and that Pruitt is simply seeking to stack the panels with members skeptical of the need for tighter environmental regulations, regardless of the scientific evidence.

The plaintiffs in the D.C. District Court suit include one researcher who was forced off the Science Advisory Board, as well as two other former members who argue they would have to give up their EPA grants if they wanted to serve again and are thus suffering a loss of professional opportunity.

Their suit, brought just before Christmas, contends that EPA should have first gotten the approval of the Office of Government Ethics, which oversees compliance with federal ethics laws, and that Pruitt's policy violates the Federal Advisory Committee Act

(FACA), in part by setting an unreasonably high bar for independence from the agency (E&E News PM, Dec. 21, 2017).

In its Friday response, however, EPA contended that the policy does not purport to establish ethics norms and thus does not conflict with federal ethics laws. The alleged FACA infractions don't hold up because the plaintiffs fail to cite a violation of any specific membership requirement, the motion continued. Under governmentwide FACA regulations, "committee members serve at the pleasure of the appointing or inviting authority," it said.

The dismissal motion also stressed that the ban on service by active grant recipients was just one of several steps outlined in Pruitt's October directive geared "to promote new and different perspectives by opening up EPA's advisory committees to new membership."

Others include promotion of geographic diversity; the addition of more participants from state, tribal and local governments; and the regular rotation of members, the motion added. Taken together, those steps seek "to enhance the values of diversity, participation, independence and expertise that are at the heart of good government and sound administration," the motion said.

As a bedrock legal matter, EPA also argued that all of the plaintiffs lack the "standing" to bring a suit.

The two former Science Advisory Board members who left the panel before Pruitt issued the directive, for example, have not yet sought to rejoin, the motion said. And Ohio State University professor Robyn Wilson, the one plaintiff who left the board because of the new policy, also lacks standing because she fails to establish "redressability," the dismissal motion added in a footnote. Even if a judge voided Pruitt's directive, his authority "to remove her does not depend on" it, EPA said.

Two other lawsuits, brought earlier this year by the Union of Concerned Scientists and the Natural Resources Defense Council, are pending in U.S. district courts for Massachusetts and the Southern District of New York, respectively (Greenwire, Jan. 25). As of this morning, EPA had not yet substantively responded to either, according to filings available through the federal courts' online records system.

E&E Daily

<https://www.eenews.net/eedaily/stories/1060075999/search?keyword=EPA>

Committee takes up 'good Samaritan' cleanups

By Dylan Brown, 3/12/18

House Natural Resources Committee lawmakers this week will renew an old push to get more people involved in cleaning up the nation's half-million abandoned hardrock mines.

The Natural Resources Subcommittee on Energy and Mineral Resources will hold a hearing Thursday on the role of nongovernmental groups in non-fuel mining reclamation.

So-called good Samaritans have long wanted to help but continue to be scared away by the risks associated with the massive liabilities at toxic sites.

U.S. EPA has tried to clarify damage responsibilities before, but potential good Samaritans still see too many risks in fixing things like flooded mine shafts when a wrong step can lead to a catastrophe like the 2015 Gold King mine spill.

"We're the most full-throated advocate for the Clean Water Act there is, but just some minor tweaks that make it easier to make improvements to water quality that may not be perfect is what we're looking for," Trout Unlimited President Chris Wood said at a hearing last year (E&E Daily, May 25).

The angler advocates spearheaded a separate good Samaritan bill for coal mines, H.R. 2937, that passed the House last year.

The change to the law governing coal, the Surface Mining Control and Reclamation Act, has bipartisan support, but a hardrock equivalent, requiring Clean Water Act action, has not emerged.

Democrats and environmentalists remain concerned that if something goes awry, taxpayers could end up footing the bill. But more broadly, they contend good Samaritans cannot pay for all \$54 billion in reclamation left nationwide.

Democrats have sponsored legislation to charge a fee on hardrock mining to pay for cleanup. Coal companies already pay such a fee.

Separately, the President Trump's infrastructure plan calls for "broadening eligibility" under the Water Infrastructure Finance and Innovation Act to include water contamination remediation by "non-labile parties" (Greenwire, Jan. 23).

The blueprint also calls for removing restrictions to integrate funding from third parties for Superfund cleanup, a top talking point for EPA Administrator Scott Pruitt.

Schedule: The hearing is Thursday, March 15, at 2 p.m. in 1324 Longworth.

Witnesses: TBA.

BNNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129361589&item=408&prod=deln&cat=AGENCY

Companies' Chemical Secrets Run Up Against the New Toxics Law

By Adam Allington, 3/12/18

Companies aren't justifying the need to keep their chemicals confidential at a time when consumers are demanding more information about the products they buy, environmental groups argue.

Companies are wrangling with updates to the nation's toxic chemicals law that require them to provide more information up front to justify keeping their chemicals secret, and lack of guidance from the Environmental Protection Agency may be to blame, the industry said.

Keeping their chemicals confidential is crucial for the industry, companies argue, because even small details could reveal trade secrets about how products are made.

More than four months have passed since the October deadline requiring companies to provide "up-front" data to justify new requests that a chemical be classified as "confidential business information," or CBI, and thus not revealed to consumers.

However, the Environmental Defense Fund claims that EPA is not substantiating those new CBI requests in accordance with the law, and instead leaving the door open for companies to continue to hide critical information on the confidential portion of the TSCA inventory.

"Most companies are still submitting their TSCA documentation the same way they always have, without even trying to substantiate the reason for CBI claims," Richard Denison, a lead senior scientist with EDF, a nonprofit environmental advocacy group, told Bloomberg Environment.

More Guidance Needed

The logistical challenges related to resubmitting data for thousands of chemicals require more time and guidance from the EPA, according to the industry.

"I think we're still sort of in transition phase. Companies are not acting in bad faith," James Votaw, an environmental compliance attorney at Keller and Heckman, a Washington, D.C., law firm, said.

Votaw told Bloomberg Environment that claims for confidentiality were rarely, if ever, reviewed by the EPA previously. The new mandate requires documentation submitted upfront to be reviewed within 90 days by the EPA. While there has not been very much enforcement on confidential business information substantiation yet, Votaw said there is certainly a risk for those companies that might attempt to get a false certification.

"This could be a case where EPA pursues one or two high profile enforcement cases to make the point, and from thereafter industry is better at policing itself," he said.

“But I hope EPA is not too quick to go there because companies are probably just doing what they used to do, and may just need more guidance to make adjustments.”

However, an EPA spokesperson told Bloomberg Environment the agency has in fact provided guidance for companies, including [a series of webinars](#) explaining the new substantiation requirements under Section 14 of TSCA.

The spokesperson maintained the agency “will hold companies accountable,” for failing to provide a sufficient data to substantiate their confidentiality requests.

Loss of Intellectual Property

Trade secrets could include everything from a substance's chemical structure, to production volumes, or even the particular site that made it.

Many manufacturers and their downstream customers worry that rolling back confidentiality safeguards could destroy critical trade secrets.

“Without proper security of CBI there is much less incentive for our members to innovate new, more effective formulations at the risk of losing all their hard work,” Owen Caine, executive vice president at the Household & Commercial Products Association, told Bloomberg Environment.

“Communication of seemingly isolated pieces of information about a product formula, including ingredient chemical names, concentrations, Chemical Abstract Service names and numbers, and physicochemical properties, provide key ‘clues’ to a trained eye that could unravel the sophisticated formulary science behind a product that was a significant investment to create,” Caine said.

Whatever the business risks may be, they are running up against a public that is demanding more information about the products it buys.

“Companies are actually starting to compete in the transparency space,” Julie Froelicher, technical relations manager at Procter & Gamble, said.

Speaking at the recent GlobalChem conference in Washington, D.C., Froelicher pointed to emerging state requirements for cleaning product disclosures that are popping up in [California](#), New York, and [Maryland](#). In addition, Walmart's new [sustainable chemistry policy](#) asks suppliers to include full ingredient transparency, including products typically protected under trade secrets such as fragrances.

What Qualifies in ‘Inventory Reset’

Prior to the 2016 amendments to TSCA, the EPA's chemical inventory had grown to over 85,000 substances manufactured, imported, or processed in the U.S.—17,800 of which contained concealed information, according to EDF.

As part of amendments, the EPA was ordered to determine which of the existing chemicals on the register are still present in commerce in the United States.

Known as the Inventory Reset Rule or Active-Inactive Rule, it requires any company looking to retain confidentiality on the register to resubmit substantiation documentation. The EPA has five years to review whether that information has a case to remain hidden.

But EDF also alleges that the EPA is misapplying that standard, by letting too many new companies to piggyback onto pre-existing confidentiality claims.

“Our complaint is that even companies that never made a claim in the past are being allowed to do so during this process,” Denison said.

According to EDF, that allows companies to hide behind trade secret claims to avoid legal obligations to identify potentially harmful chemicals in their products.

“The public cannot tell whether a large majority of the highest-use chemicals in the United States pose health hazards or not,” EDF [said in a brief](#) filed March 6 in U.S. Court of Appeals for the District of Columbia Circuit.

"These include chemicals that we are likely to breathe or drink, that build up in our bodies, that are in consumer products, and that are being released from industrial facilities into our backyards and streets and forests and streams."

However, court documents show that industry groups siding with the EPA claim that any changes in confidentiality procedures could impact "core commercial interests, as protecting confidential information has substantial value for many companies and, more generally, is a major factor in promoting innovation and research into new chemicals."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076083/search?keyword=EPA>

Judges side with 9/11 whistleblower fired for death threats

By Corbin Hiar, 3/12/18

A Department of Labor panel has rejected a U.S. EPA bid to overturn a ruling that found the environmental agency retaliated against a high-profile 9/11 whistleblower.

The March 1 ruling from the DOL Administrative Review Board upheld a default judgment against EPA for its repeated failures to comply with discovery orders required by Administrative Law Judge Linda Chapman.

The underlying dispute in both cases was EPA's Dec. 30, 2010, termination of Cate Jenkins, an environmental scientist in the agency's Office of Resource Conservation and Recovery, over accusations of threatening to kill her supervisor.

Jenkins, who joined EPA in 1979, had previously raised concerns about the agency's testing of World Trade Center dust after the Sept. 11, 2001, terrorist attacks. She denied ever threatening her boss and claimed that her dismissal was actually in retaliation for her protected whistleblower activities.

Jenkins' termination appeal was upheld by the U.S. Merit Systems Protection Board (MSPB), which found EPA had violated her due process rights and reinstated her job (Greenwire, May 7, 2012).

Jenkins, represented by the nonprofit Public Employees for Environmental Responsibility, asked DOL to force EPA to cover her attorneys' fees.

Chapman, citing EPA's "blatant flouting of the rules of discovery, and repeated violation of my Orders," sided with Jenkins and PEER (Greenwire, April 22, 2015).

The DOL review board determined that the Chapman "did not abuse her discretion in concluding that the extreme sanction of default judgement was warranted, and accordingly affirms the [administrative law judge's] Decision and Order," the ruling says.

The decision was penned by Administrative Appeals Judge E. Cooper Brown. Administrative Appeals Judge Leonard Howie III concurred in part and dissented in part.

The main objections Howie raised surrounded Chapman's assessment of Jenkins' character, in light of documented cases of workplace misconduct, and her application of a less rigorous standard in determining that EPA's discipline of Jenkins was related to her whistleblowing.

Jenkins, who still faces an EPA appeal of the MSPB decision, celebrated the recent DOL ruling.

"The decision for me personally is a wonderful relief," she said in an email today. "You cannot imagine being escorted out to my car in 2010 by cops, not even knowing what I was accused of."

Jenkins' latest victory against her longtime employer, however, may be more significant for future whistleblowers, she claimed.

"Hopefully, in time, EPA will be less enticed by the politically expedient fix of data tampering after disasters, just to reassure the public," Jenkins told E&E News. "There are real human health consequences."

The EPA press office didn't immediately respond to a request for comment on the DOL decision.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076079/search?keyword=EPA>

Judges weigh FOIA requests on alleged scientific misconduct

By Amanda Reilly, 3/12/18

Federal judges today struggled with a convoluted Freedom of Information Act lawsuit stemming from accusations of scientific misconduct at U.S. EPA.

"This is not the typical FOIA case," attorney John Hall, who is representing a coalition of Northeast cities, acknowledged at the outset of the arguments in front of the U.S. Court of Appeals for the District of Columbia Circuit.

The case stems from a 2012 decision by EPA Region 1 — which encompasses the Northeastern states — to seek to impose more restrictive nitrogen limits for sewage treatment plants to protect New Hampshire's Great Bay estuary.

In response to the decision, the Great Bay municipal coalition, which includes the city of Dover and neighboring communities, wrote to then-EPA Administrator Lisa Jackson and Inspector General Arthur Elkins alleging scientific misconduct.

The coalition claimed that EPA Region 1 ignored peer-reviewed studies and analysis by an independent technical advisory committee to impose the limits, which the cities say will cost millions of dollars to meet.

EPA responded to the group's concerns with a two-page letter concluding that EPA "has not seen evidence that Region 1 has engaged in scientific misconduct."

On Oct. 4, 2012, law firm Hall & Associates filed a FOIA request on behalf of the coalition seeking records that EPA relied on to come to its conclusion that there was no misconduct. Hall followed up on Oct. 22 with eight additional FOIA requests related to nutrient loading, Region 1 decisionmaking and EPA's peer review process.

EPA responded to the first request but denied the others because they were "articulated in the form of an interrogatory-like question." In other words, responding would have required the agency to conduct analysis and research.

In a March 2015 decision, the U.S. District Court for the District of Columbia ruled that EPA adequately responded to the first request and agreed with the agency that the other FOIA requests were improper because they could be construed as questions. After a back-and-forth with Hall and lawyers from EPA, the court suggested a modified FOIA request. EPA provided Hall with more documents.

The law firm, though, was still unsatisfied with the response. More than a year after the March decision, the firm asked the court to reconsider and filed a motion for attorneys' fees, arguing that it should receive fees because EPA released more documents as a result of its litigation.

After the district court denied both requests, the law firm appealed to the D.C. Circuit.

Hall today argued that, despite the concerns at EPA headquarters about the wording in the FOIA requests, there was no confusion among Region 1 staffers about the information that was sought.

The FOIA requests were about a "specific issue specifically defined," Hall said, adding that his law firm has filed "virtually the same" type of FOIA requests in the past.

He complained that EPA had not yet provided all relevant documents, despite the district court's decision to reword the FOIA requests.

But at multiple points during today's arguments, the three-judge panel appeared confused about the focus of the appeal.

"I'm not sure what you're really asking for," said Senior Judge David Sentelle, a Reagan appointee.

Judge Brett Kavanaugh, a George W. Bush appointee who presided over today's proceedings, several times pressed attorneys for both the plaintiffs and EPA over the issue of attorneys' fees.

"I'm trying to figure out why we're here," Kavanaugh said.

While the FOIA requests in question occurred during the Obama administration, the Trump EPA has continued to defend against the case. In court documents, EPA has charged that Hall & Associates refused to work with the agency to clarify the requests because it was "incentivized by the allure of potentially large attorneys' fees."

EPA says it offered the firm the opportunity to modify or clarify the request. Hall instead took the case to the courts.

Peter Pfaffenroth, an assistant U.S. attorney representing the agency, today said that EPA acted in "good faith" and charged that the litigation was "an attempt to weaponize FOIA."

"These are sophisticated plaintiffs," Pfaffenroth told the judges.

Judge Patricia Millett, an Obama appointee, also seemed concerned about Hall's reticence to modify its FOIA requests outside of the litigation process.

"I don't think you made it very clear," she said, adding, "Why didn't you just ask for all documents that were involved in the preparation of your response?"

The court is expected to issue a decision in the coming months.

To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Hassell, Emily
Sent: Mon 3/12/2018 8:09:36 PM
Subject: RE: News Clips - 12 March 2018

Hi Liz,

You're welcome! Good to know it's useful for you to see them this way.

For the future – would you like articles grouped under headers, even if there's only two of a kind? Or would you rather only see headers for 3+ (or bigger stories)?

Thanks,
Emily

From: Bowman, Liz
Sent: Monday, March 12, 2018 4:06 PM
To: Hassell, Emily <hassell.emily@epa.gov>
Subject: RE: News Clips - 12 March 2018

Emily, thank you so much for grouping these by issue! It's really helpful to see the articles this way.

From: Hassell, Emily
Sent: Monday, March 12, 2018 3:57 PM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: News Clips - 12 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Administrator Pruitt's Roundtable

[St. Louis Post-Dispatch - EPA head says final West Lake cleanup plan could mean more aggressive removal of material](#)

[Politico - Report: Pruitt backs E15 waiver, curbing trade of credits](#)

[The Hill - Pruitt may limit ethanol market traders](#)

[Houston Chronicle - Pruitt looks to stamp out RIN "hoarding," raises possibility of limits on Wall Street](#)

Climate Science Debate

[New York Times - The E.P.A. Chief Wanted a Climate Science Debate. Trump's Chief of Staff Stopped Him.](#)

[Daily Caller - John Kelly Killed Pruitt's Plan To Publicly Debate Climate Science](#)

[The Hill - John Kelly killed Pruitt's climate science debate](#)

[Mother Jones - EPA Chief Scott Pruitt Wanted A Live TV Debate Questioning Climate Change](#)

General

[E&E Climatewire - Pruitt's youth advisers slam federal inaction on climate](#)

[AP - EPA hires GOP media firm to produce report praising Pruitt](#)

[The Hill - EPA hired right-leaning media firm to compile its 'year in review'](#)

[The Hill - EPA science advisers haven't met in six months: report](#)

[The Hill - Administration asks court to dismiss lawsuit from EPA scientists](#)

[E&E Greenwire - City leaders press Pruitt aides on climate, staffing](#)

[The Hill - Cabinet officials rebuked by White House amid ethics questions: report](#)

[CNN - White House scolds Cabinet officials after embarrassing ethics reports](#)

[Politico - Judge orders EPA to issue ozone designations quickly](#)

[E&E News PM - EPA faces growing calls to replace lead pipes](#)

[E&E Greenwire - Pruitt ag adviser leaves](#)

[AP - 2 ex-US environmental chiefs blast truck emissions loophole](#)

[The Hill - Ex-EPA heads urge Pruitt to scrap changes to truck pollution rule](#)

[Politico - Democrats urge Pruitt to drop glider rule repeal](#)

[E&E Greenwire - Agency punches back in science advisers lawsuit](#)

[E&E Daily - Committee takes up 'good Samaritan' cleanups](#)

[BNA - Companies' Chemical Secrets Run Up Against the New Toxics Law](#)

[E&E Greenwire - Judges side with 9/11 whistleblower fired for death threats](#)

[E&E Greenwire - Judges weigh FOIA requests on alleged scientific misconduct](#)

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St. Louis Post-Dispatch

http://www.stltoday.com/news/local/govt-and-politics/epa-head-says-final-west-lake-cleanup-plan-could-mean/article_2de47bd9-7b39-5408-ae1b-ecba527d5651.html

EPA head says final West Lake cleanup plan could mean more aggressive removal of material

By Chuck Raasch, 3/12/18

WASHINGTON • Environmental Protection Agency Administrator Scott Pruitt said Monday that he believes he's proposed a "sound, solid" solution to clean up the West Lake Landfill Superfund site - but a final decision could include excavating more than the 67 percent of the site the EPA says will be sufficient to protect the health of neighboring residents.

"What is really exciting about St. Louis is at this point in five years the uranium will be removed," Pruitt said, in reference to the radioactive material left over from World War II's atomic bomb creation. "Which I think is amazing in light of taking 28 years to just make a decision."

In a briefing with five reporters, Pruitt touted his first year as administrator, arguing that his agency has sped up dormant decision-making on issues like West Lake, and that it has contributed to billions of dollars in savings to companies from regulatory relief.

He said the EPA would have a final rule on re-doing the controversial “Waters of the United States” initiative of former President Barack Obama, which environmentalists heralded as a boon for water quality. Critics, including many Missouri Republicans, attacked it as government overreach.

Pruitt’s stormy first year on the job was marked in part by his decision on West Lake. He called it a “poster-child” of previous administrations’ inability to clean up the 1,340 Superfund sites he said he inherited.

EPA officials, including Pruitt’s top Super Fund adviser, attended a community meeting in Bridgeton last week in which many speakers advocated a more extensive cleanup than Pruitt proposed in his Feb. 1 announcement. Many advocated for “Alternative 7,” which would cost an estimated \$455 million and be shared by public and private entities considered liable for the cleanup. The current proposal would cost about \$236 million.

EPA is currently taking comments on its proposal.

Pruitt said an “extraction vs. cap” remedy debate is too simplistic.

“As I challenge my team I ask them, ‘what do we need to do to ensure protection of health,’ ” Pruitt said. “And that is the reason that we came to the conclusion that we are getting after the radioactive material that I have been told poses a risk to health.

“As you know it approaches 70 percent (removal) with the current proposal, and I think through this comment period it might actually increase,” Pruitt told the Post-Dispatch. “But the charge was (to) get all the radioactive material that poses a risk to health, and I have been told and assured that that is taking place. That is the most important.

Asked whether the comment period could drive the EPA to adopt “Alternative 7,” Pruitt said: “I don’t want to prejudge it. It is not wise to do that. What is wise is to take comments and evaluate, I think. The proposal is a sound proposal.”

Pruitt said when he took office he found a lack of urgency for getting things done and having accountability.

His first year also has been marked by controversy over everything ranging from his public doubts about climate change to his expensive travel tastes.

On his office wall is a framed copy of a note that Pruitt sent to President Donald Trump praising Trump for pulling the United States from the Paris Climate accord, a decision that upset environmentalists and caused allies abroad to doubt U.S. commitment to confront global environmental issues. Trump signed it and sent it back.

Pruitt has also been entangled in the Renewable Fuel Standards debate, which has pitted corn farmers against oil refiners.

Trump delayed enactment of the “Waters of the United States” to 2020 while EPA reviews the policy.

Former EPA Administrator Gina McCarthy had pushed it as vital for health and water quality protection; critics said it put unnecessary regulatory crimps on farmers and others.

Pruitt also said he is pushing for the Trump administration to have a goal of eliminating lead from drinking water in 10 years, a water-infrastructure program that could cost over \$40 billion.

Politico

<https://www.politicopro.com/agriculture/whiteboard/2018/03/report-pruitt-backs-e15-waiver-curbing-trade-of-credits-783400>

Report: Pruitt backs E15 waiver, curbing trade of credits

By Eric Wolff, 3/12/18, 2:08 PM

EPA Administrator Scott Pruitt says he would sign a waiver allowing blends of 15 percent ethanol gasoline if he can do so legally, the Houston Chronicle reported today.

“I told the folks in Iowa, if the law allows me to do it I’ll sign it tomorrow,” he told a group of reporters. “It doesn’t make sense to only be able to sell nine months out of the year.”

Pruitt said last year he would ask staff to investigate whether EPA had the authority to issue a waiver under the Clean Air Act to allow year-round sale of E15 in all states. Some refining interests have proposed having EPA grant the waiver in exchange for a price cap on the cost of biofuel credits.

Pruitt also said he was considering limiting who can trade those credits. The idea, which would be aimed at boxing out investment banks from the program, has backing from some ethanol producers and oil refiners, a rare point of agreement in the contentious program.

"There's some things on the trading platform I think should happen no matter what," he said, according to the newspaper. "There seems to be a hoarding of [Renewable Identification Numbers], which inflates the price of RINs. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

WHAT'S NEXT: Oil refiners, biofuel producers, the White House and several senators are trying to hammer out a compromise agreement to alter the RFS.

The Hill

<http://thehill.com/policy/energy-environment/377960-pruitt-may-limit-ethanol-market-traders>

Pruitt may limit ethanol market traders

By Timothy Cama, 3/12/18, 1:56 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt is considering taking action to limit what he sees as speculative trade of ethanol credits in an effort to keep prices down.

Pruitt told reporters that one idea is to limit who can trade the credits that some refiners have to buy to comply with the federal ethanol mandate.

"There's some things on the trading platform I think should happen no matter what," Pruitt told reporters at EPA headquarters Monday, according to the Houston Chronicle.

"There seems to be a hoarding of [Renewable Identification Numbers], which inflates the price of RINs. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

The Renewable Fuel Standard (RFS), enacted by Congress in 2007, requires refiners to blend certain volumes of ethanol and other biofuels into their traditional fossil fuels.

Refiners who cannot blend biofuels have to purchase credits from others. But those credits can be traded on a market that some refiners have complained is too speculative, in which prices fluctuate greatly.

Reforming the credit program has been a top request of refiners and their allies in recent months, particularly after a major Philadelphia refiner declared bankruptcy in January, blaming RIN costs.

President Trump has told Republican senators that he would be open to reforms that lawmakers from the various sides of the issue would support.

Sen. Ted Cruz (R-Texas) has proposed capping the price of the credits, but lawmakers from corn states have opposed that approach.

Pruitt also told reporters that he supports letting fuel stations sell higher ethanol blends in the summer than they are currently allowed to, but only if such a change can withstand legal challenges, according to the Chronicle.

Houston Chronicle

<https://www.chron.com/business/energy/article/Pruitt-discusses-limiting-RIN-trading-to-prevent-12746733.php>

Pruitt looks to stamp out RIN "hoarding," raises possibility of limits on Wall Street

By James Osborne, 3/12/18, 1:08 PM

WASHINGTON - EPA chief Scott Pruitt raised the idea Monday of limiting Wall Street's ability to trade the government-issued credits for ethanol and other biofuels in an effort to aid oil refineries.

Under federal law, refiners must blend their gasoline with up to 10 percent ethanol. Refiners that don't blend ethanol themselves must buy the credits from companies that do. But these refining companies claim that the market for credits is opaque, thinly traded and subject to manipulation by speculators that can send price skyrocketing.

In a meeting with reporters at the Environmental Protection Agency's headquarters in Washington, Pruitt seemed to suggest that removing speculators from the market would help keep costs lower.

"There's some things on the trading platform I think should happen no matter what," he said. "There seems to be a hoarding of [Renewable Identification Numbers], which inflates the price of RINs. Some have talked about limiting the participants who buy and sell, so you can get away from some of the speculation that's taking place."

The Trump administration is trying to broker a deal between oil state Republicans like Sen. Ted Cruz, of Texas and corn state Republicans like Sen. Chuck Grassley, of Iowa, who have been at odds for months over the the future of the federal mandate requiring ethanol be blended into the nation's fuel supply.

In addition to limiting RIN trading, Pruitt also brought up the possibility of lifting an air pollution regulation that prevents the sale of fuels with higher concentrations of ethanol during the summertime.

"I told the folks in Iowa, if the law allows me to do it I'll sign it tomorrow. It doesn't make sense to only be able to sell nine months out of the year."

Pruitt's seemingly off-the-cuff comments Monday drew applause from ethanol producers, which by virtue of their large demand for the region's corn supply carry considerable political weight.

"We are encouraged by the Administrator's comments," said Bob Dinneen, president of the Renewable Fuels Association. "We would be receptive to any proposals bringing more transparency and liquidity to the RIN market."

Cruz has asked the Trump administration place a cap on the price of RIN credits, to help refineries the senator argues are at financial risk from compliance costs that can run hundreds of millions of dollars a year. That proposal has drawn fire from Grassley and other Midwestern politicians who argue Cruz is trying to decimate ethanol demand by reducing financial incentives for refineries to comply with the federal mandate.

Pruitt didn't discuss the cap proposal during Monday's meeting but rather focused the need to find a solution that would help refineries while also giving ethanol producers a boost.

"These market challenges we have are real," he said. "The President has a commitment to the [biofuels mandate] and ranching and farming communities in this country. But he doesn't want refineries to shut down either."

New York Times

<https://www.nytimes.com/2018/03/09/climate/pruitt-red-team-climate-debate-kelly.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency>

The E.P.A. Chief Wanted a Climate Science Debate. Trump's Chief of Staff Stopped Him.

By Lisa Friedman and Julie Hirschfeld Davis, 3/9/18

John F. Kelly, the White House chief of staff, has killed an effort by the head of the Environmental Protection Agency to stage public debates challenging climate change science, according to three people familiar with the deliberations, thwarting a plan that had intrigued President Trump even as it set off alarm bells among his top advisers.

The idea of publicly critiquing climate change on the national stage has been a notable theme for Scott Pruitt, the administrator of

the E.P.A. For nearly a year he has championed the notion of holding military-style exercises known as red team, blue team debates, possibly to be broadcast live, to question the validity of climate change.

Mr. Pruitt has spoken personally with Mr. Trump about the idea, and the president expressed enthusiasm for it, according to people familiar with the conversations.

But the plan encountered widespread resistance within the administration from Mr. Kelly and other top officials, who regarded it as ill-conceived and politically risky, and when Mr. Pruitt sought to announce it last fall, they weighed in to stop him. At a mid-December meeting set up by Mr. Kelly's deputy, Rick Dearborn, to discuss the plan, Mr. Dearborn made it clear that his boss considered the idea "dead," and not to be discussed further, according to people familiar with the meeting. All spoke on the condition of anonymity in order to describe internal White House deliberations and meetings.

During that meeting, according to two attendees and a third person briefed on the discussion, administration officials and White House aides were in agreement that Mr. Pruitt's idea was unwise. Their main concern was that a public debate on science — particularly on an issue as politically charged as the warming of the planet — could become a damaging spectacle, creating an unnecessary distraction from the steps the administration has taken to slash environmental regulations enacted by former President Barack Obama.

Asked about the meeting and the administration's internal deliberations, Raj Shah, the deputy press secretary, said: "The Trump Administration will ensure that any climate science review will be conducted through a robust, interagency process, consistent with federal law."

The E.P.A. did not respond to requests for comment.

The episode reflects some of the challenges that Mr. Kelly faces in bringing order to a chaotic White House, where policy deliberations are sometimes circumvented when people close to Mr. Trump approach him personally to seek his approval for unorthodox moves.

Mr. Kelly is a retired four-star Marine Corps general who is said to share the pragmatic view held by military leaders including Jim Mattis, the secretary of defense, that climate change is happening and poses a serious national security challenge. Since he became chief of staff last July, Mr. Kelly has toiled to control access to Mr. Trump to try to ensure that his actions are informed by an orderly process in the West Wing — a pursuit that flies in the face of the president's freewheeling style.

The tension between the White House and the E.P.A. over the red team, blue team idea reflects a broader rift within the administration over whether and how directly to attack climate change science itself. While the words "climate change" have been removed from many federal websites, and Mr. Trump has mocked global warming in tweets, the administration has stopped short of using the power of the federal government to attack the science.

Holding national debates on climate change could have serious policy implications.

The fundamental science, that man-made pollution is overwhelmingly responsible for warming temperatures and rising sea levels, is widely accepted among mainstream scientists. That science formed the basis of a key 2009 E.P.A. decision known as the endangerment finding, which declares that climate change is a threat to human health and welfare. That finding is the legal backbone for almost all federal climate policy and requires the government to regulate greenhouse gas emissions in some manner. A government critique of climate science could lay the groundwork for challenging the endangerment finding in court.

Climate denialist groups like the Heartland Institute have urged Mr. Pruitt to challenge the finding, while industry associations have expressed little interest in doing so. Tim Doyle, vice president of policy for the conservative business organization American Council for Capital Formation, said the companies he works with have not expressed any interest in a public forum to challenge climate change science.

"We definitely haven't heard any of our members supporting the red team, blue team concept," he said. "There's been, if anything, radio silence about it."

The idea for red team, blue team climate debates originated with Steven Koonin, a physicist at New York University who was an energy undersecretary under Mr. Obama. Mr. Koonin in April wrote an op-ed in The Wall Street Journal calling for using the military-style exercise — in which one team attacks and another defends — to test the robustness of climate change science. One week later, he paid a visit to the E.P.A. at Mr. Pruitt's invitation to discuss the idea further.

Mr. Koonin, in an interview, said he has “no dog in this fight” — meaning that he is willing to be persuaded that climate change is an urgent threat — but that he believes there are uncertainties in the science that are worth exploring.

In talking with federal officials, Mr. Koonin said he outlined a vision for a debate including not only the E.P.A. but also the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, both of which collect data and conduct studies on Arctic ice melt, global temperature modeling and other issues. The White House science adviser should coordinate any such exercise, he said, to ensure all relevant government offices participate.

“It would need to be governmentwide, certainly multiagency, in order for it to be robust and taken seriously as a scientific endeavor,” Mr. Koonin said.

Climate scientists and others who oppose the debate idea note that the studies that make up the body of knowledge on climate change already are subject to rigorous peer review. They contend that the red team, blue team exercise would be a politically motivated way to inject doubt into findings that have already been scientifically established.

“The idea of a red team approach is used to test how well forces, or strategy, will perform against an adversary. But climate science is not our adversary,” said Sherri Goodman, a former deputy undersecretary of defense under President Bill Clinton and now a senior fellow at the Woodrow Wilson International Center.

Mr. Pruitt planned to announce his red team, blue team debate in early November, according to a news release that was written but never issued. According to four people who have read the draft news release, the debates were to be organized by the E.P.A.’s science advisory board and not include other agencies.

The announcement of the debates would have coincided with the release of an exhaustive scientific report from 13 United States government agencies that definitively found human activity to be responsible for almost all of the warming that has occurred in the past half-century. It would have also coincided with the start of a United Nations meeting in Germany to discuss the Paris agreement, the global climate accord from which Mr. Trump intends to withdraw the United States’ participation.

When Mr. Trump’s chief of staff learned about the news release, he demanded the debates be delayed until cabinet secretaries and top White House officials could discuss it, according to three people familiar with the discussions. That initial meeting never occurred, but on Dec. 13, the White House convened senior officials to discuss the matter.

According to two people who attended, the meeting included a presentation of the red team, blue team plan by two E.P.A. officials — Mr. Pruitt’s chief of staff and the head of the agency’s air office. Other attendees included senior officials from the Department of Energy, the White House Council on Environmental Quality, the White House Office of Science and Technology Policy, and the National Economic Council.

The meeting was run by Mr. Dearborn and Michael Catanzaro, who is a member of the economic council and the president’s domestic energy and environment policy director.

The takeaway, according to people in the room, was that every office within the White House was opposed to the idea. At one point, Mr. Dearborn said the notion of red team, blue team debates was “dead” and should not be mentioned again. “The chief doesn’t want it,” Mr. Dearborn said, referring to the White House chief of staff, according to one person who attended.

E.P.A. officials were taken aback, the person said.

In the weeks since that meeting, however, Mr. Pruitt said the red team, blue team debates were still under consideration. In January, he told Congress that a report in E & E News, a news organization focusing on energy and the environment that first reported that the White House had killed the plan, was false. White House opposition to the debates was “untrue,” he said under questioning by a senator.

For the moment, even those who have championed the red team, blue team idea like Mr. Koonin are doubtful the debates will happen. “My optimism that we can get this done in a quality way is pretty low at this point,” Mr. Koonin said. “It needs to be a governmentwide exercise and there’s nobody that I know of that has picked up the ball in the White House.”

Daily Caller

<http://dailycaller.com/2018/03/09/john-kelly-killed-pruitts-plan/>

John Kelly Killed Pruitt's Plan To Publicly Debate Climate Science

By Chris White, 3/9/18, 5:18 PM

President Donald Trump's chief of staff killed EPA chief Scott Pruitt's idea to publicly debate the merits and demerits of man-made global warming, according to a report Friday from The New York Times.

John Kelly, a retired four-star Marine Corps general, put a screeching halt to Pruitt's goal to craft a red team and blue team to challenge climate change science, three people familiar with the deliberations told TheNYT. Trump has expressed interest in the idea.

Pruitt, who famously sued the agency more than a dozen times as Oklahoma's attorney general, spent more than a year championing the notion of holding military-style exercises to question the validity of climate change. He even floated the idea of televising the debates, all in an effort to bring transparency to the science.

Military and intelligence agencies use a similar debate tactic to expose vulnerabilities to strategic systems. The tactic would give needed balance to climate science, a field of research many believe has been monopolized by activists, skeptics say. Some in the administration were enthusiastic supporters, however, Kelly and others were skeptical about the proposal.

White House officials were in agreement that Pruitt's idea was unwise, according to sources who attended a meeting discussing the proposal. Their main objection was that a public debate on the hot-button issue of climate science could create an unnecessary distraction as Trump seeks to pullback elements of former President Barack Obama's environmental legacy.

Some inside the administration worried the debate would muddy the waters of Pruitt's de-regulatory mission. The Environmental Protection Agency finalized 22 deregulatory actions in 2017, which could save \$1 billion in regulatory costs. The agency is working on another 44 deregulatory actions, including the repeal of the Clean Power Plan and Clean Water Rule.

Elements within the Obama administration even promoted the idea. Steve Koonin, a former Energy Department head during Obama's tenure, for instance, suggested a red team-blue team approach in an April editorial to put the issue to rest. He was a rarity in the Obama administration.

Koonin has "no dog in this fight," he told TheNYT in an interview, meaning there are uncertainties in the science that are worth exploring, but he can still be convinced that climate change is a unique threat deserving of immediate action.

The EPA has not responded to The Daily Caller News Foundation's request for comment about the validity of TheNYT's report.

The Hill

<http://thehill.com/policy/energy-environment/377658-john-kelly-killed-pruitts-climate-science-debate>

John Kelly killed Pruitt's climate science debate

By Timothy Cama, 3/9/18, 3:42 PM

White House chief of staff John Kelly killed Environmental Protection Agency (EPA) Administrator Scott Pruitt's plan for a public debate on climate change science, according to a New York Times report Friday.

Pruitt for months has been talking publicly about organizing a government "red team, blue team" exercise among climate change experts and skeptics, possibly on television, and President Trump was receptive.

But at a December meeting that included representatives from the White House and the EPA, Rick Dearborn, Kelly's deputy, relayed that the concept is "dead" and Kelly would not allow the idea to take flight, the Times reported, citing three people familiar with the meeting.

Administration officials were worried that the exercise would be too politically risky and draw negative attention to Trump's aggressive mission to undo the Obama administration's climate policies.

White House deputy press secretary Raj Shah told the Times that the administration “will ensure that any climate science review will be conducted through a robust, interagency process, consistent with federal law,” while the EPA did not respond to a request for comment.

The idea came from Steven Koonin, a New York University physicist and former Energy Department official during the Obama administration.

“The American people deserve an honest, open, transparent discussion,” about climate science, Pruitt said last year. “What do we know? What don’t we know? Does it pose an existential threat, what can be done about it?”

Pruitt has said that the climate is changing and humans have played some role. But he has questioned whether humans are the dominant cause or whether global warming would be harmful to humans, two questions that scientists widely answer in the affirmative.

E&E News reported after the December meeting that officials had put the debate idea on hold.

But when lawmakers asked Pruitt about that report later, he said it was “untrue,” and that he was still planning the exercise.

Mother Jones

<https://www.motherjones.com/politics/2018/03/scott-pruitt-john-kelly-climate-change-debates/>

EPA Chief Scott Pruitt Wanted A Live TV Debate Questioning Climate Change

By Andy Kroll, 3/10/18, 2:48 PM

Scott Pruitt, the polluter-friendly chief of the Environmental Protection Agency, has already amassed a lengthy list of extreme, fringe accomplishments. As Rebecca Leber wrote in her recent Mother Jones cover story, Pruitt has set out to demolish one EPA policy after another during his first year on the job, driven by his religious beliefs and personal ambition.

But the New York Times reports that one of Pruitt’s most radical ideas—a series of “military-style” debates challenging the validity of the science of climate change—was too far-out even for the Trump White House. Pruitt, a climate denier, has been pushing for so-called red team-blue team debates that would present the issue as open to debate. (Never mind that the science is settled: 97 percent of climate scientists agree that the planet’s warming over the past century is very likely due to humans. “Scientific evidence for warming of the climate system is unequivocal,” according to the Nobel Peace Prize-winning Intergovernmental Panel on Climate Change.)

The Times says that Pruitt mulled broadcasting his climate-change debates on live television and that he raised the idea with the ratings- and reality TV-obsessed president. Yet John Kelly, the White House chief of staff, wanted nothing to do with the debates:

But the plan encountered widespread resistance within the administration from Mr. Kelly and other top officials, who regarded it as ill-conceived and politically risky, and when Mr. Pruitt sought to announce it last fall, they weighed in to stop him. At a mid-December meeting set up by Mr. Kelly’s deputy, Rick Dearborn, to discuss the plan, Mr. Dearborn made it clear that his boss considered the idea “dead,” and not to be discussed further, according to people familiar with the meeting. All spoke on the condition of anonymity in order to describe internal White House deliberations and meetings.

Don’t expect the EPA’s deregulator-in-chief to be thwarted. It’s pretty clear that Pruitt has his sights set on a larger stage—the Senate? The White House? But first he wants to undo as much as of the previous administration’s work as he can, far from the glare of TV lights.

E&E Climatewire

<https://www.eenews.net/climatewire/stories/1060075985/search?keyword=EPA>

Pruitt's youth advisers slam federal inaction on climate

By Niina Heikkinen, 3/12/18

U.S. EPA's youngest social justice advisers are hammering the federal government for its lack of action on climate change.

In a draft report — prepared for EPA Administrator Scott Pruitt and other agency officials — a group of outside advisers calls on the Trump administration to take action on climate change and offers tips on how to engage young Americans on the issue.

"Despite the urgency of climate change, political will at the national level has lagged behind or been outright captured by the powerful interests opposed to bold and just solutions offered by young people, desperate to defend their future rights to a clean and healthy planet," wrote the Youth Perspectives on Climate Change Work Group.

The report is an uncommon example of an EPA-requested document talking about climate change in an administration peppered with officials who question mainstream climate science. EPA has cut mentions of the largely man-made driven phenomenon from its website and is in the process of unraveling regulations meant to control greenhouse gas emissions.

The draft is yet to be approved by EPA's National Environmental Justice Advisory Council (NEJAC), which helped establish the youth group in 2015 in order to find ways to include more young people's perspectives in addressing climate change. The 85-page document is the result of collaborative work of 15 youth representatives between the ages of 19 and 29. Its members — who come from academia, environmental groups and local government — are either currently working with local communities vulnerable to climate change or have done so in the past.

Samantha Shattuck, a public health specialist and the group's co-chair, noted that each of the report's authors was representing his or her own views and experiences in the report. She added that she was not able to comment on the report directly as it is still unpublished.

The group members are charged with two main tasks — providing recommendations for how EPA could "authentically engage" with youth between the ages of 14 to 29 to be more resilient to climate change and suggesting ways to develop youth-led projects to address health problems related to climate. The report's recommendations are based on the experiences of its members as well as a number of case studies drawn from the organizations the group's members are affiliated with.

Shattuck said the authors sought to provide guidance not only to EPA, but for how other federal agencies and nongovernmental organizations could incorporate youth voices on climate change and environmental justice more effectively.

"The longevity of these vulnerabilities demonstrates the importance of engaging youth, the individuals who will be the next leaders in government, academia, industry, and in nonprofits. Youth need the capacity and knowledge to more critically assess and address climate justice challenges in the future, and engaging them effectively will aid in the development of future thought leaders in this space to help with growing infrastructure, research, and policy issues," the report's authors concluded.

A number of the recommendations focus on increasing youth representation across the decisionmaking process at the agency level and offer suggestions on how EPA can support the development of the next generation of climate leaders by providing funding to outside organizations.

For example, the authors suggest that at least 20 percent of federal advisory bodies should be made up of youth affected by climate change. They also call for EPA to target funding toward organizations that provide youth with a living wage.

"In the environmental field in general, there is a lot of barriers to entry, not the least of which being unpaid work," said Shattuck. "So coming from a privileged position, a lot of students are able to take off and work unpaid, they may have their families supporting them. But communities who are coming from low-income backgrounds may not be able to take off unpaid work."

This disparity is especially problematic because youth from low-income backgrounds are those most likely to bear the brunt of climate change impacts and other pollution sources, she added.

The report encourages the federal government and other groups to seek input from young Americans who aren't necessarily the straight-A environmental science students, but may have a "visceral level" understanding of climate effects and may not have any previous leadership experience.

"I think there's traditionally an idea that people of color don't care as much about the environment because they don't visit parks or national parks, but so much of it is about access and opportunity. Who is more likely to have paid vacation, who is more likely to live in places with a healthier environment, farther away from industry?" she said.

The report's authors received comments on the draft last week from NEJAC and expect to have the final report finalized and publicly available in May or June.

The draft report comes out the same week Pruitt announced the appointment of eight new members to NEJAC, which is overseeing the work group. The administrator also announced he was seeking nominations to fill four vacancies.

"I am proud to announce this distinguished group of new members to the NEJAC," Pruitt said in a statement last week.

"Their significant experience and expertise will be invaluable to the NEJAC as it provides advice and recommendations to help the Agency improve public health, protect the environment, and support economic growth for all people."

AP

<https://apnews.com/fc7f53cf670f49d384dbe8275a9ffb2c/EPA-hires-GOP-media-firm-to-produce-report-praising-Pruitt>

EPA hires GOP media firm to produce report praising Pruitt

By Michael Biesecker, 3/9/18

WASHINGTON (AP) — The Environmental Protection Agency used public money to hire a private media firm with strong Republican ties to help produce a report promoting Administrator Scott Pruitt's first-year accomplishments.

Records show EPA paid \$6,500 last month Go Big Media Inc. for work related to "design, graphics, production and edits of the EPA end of year report." Go Big was founded by Republican political strategist Phillip Stutts and counts GOP candidates and conservative groups among its clients.

The 37-page report issued by the agency earlier this week references Pruitt by name 214 times. Of the two dozen photos included in the document, 20 include the administrator, a Republican who previously served that the elected attorney general of Oklahoma.

EPA spokesman Jahan Wilcox defended the contract.

"We had two options: one vendor was \$29,140 and the other was \$6,500, but ultimately this document was made in-house," Wilcox said.

It is at least the second time in the last year that EPA has hired a Republican-affiliated firm to assist its public affairs efforts.

In December, EPA pulled out of a \$120,000 no-bid contract with Definers Public Affairs, a Virginia public relations firm founded by former Republican campaign operatives that specializes in opposition research on its clients' political opponents and corporate rivals. The New York Times reported that a senior vice president at the firm had filed at least 40 requests under the Freedom of Information Act, many of them seeking emails and other records from EPA employees who have spoken out against Pruitt's regulatory rollbacks.

Wilcox said the Go Big contract, which was first reported by E&E News, "pales in comparison" to the \$568,000 paid under the Obama administration to Strategies 360, a public relations firm co-founded by a former Democratic campaign manager.

In that case, the firm was hired by the Swinomish Indian Tribe, which received a portion of an EPA grant to the Northwest Indian Fisheries Commission to help educate the public about clean water initiatives in Puget Sound. A subsequent review by EPA's Inspector General concluded last year that the payment to Strategies 360 did not violate federal lobbying prohibitions.

The Hill

<http://thehill.com/policy/finance/377659-epa-hired-right-wing-media-firm-to-compile-its-year-in-review>

EPA hired right-leaning media firm to compile its 'year in review'

By Miranda Green, 3/9/18, 3:54 PM

The Environmental Protection Agency paid a media group that largely works with Republicans thousands of dollars to compile the agency's annual "year in review" report, according to public financial documents.

Go Big Media, a right-leaning digital consulting and advertising firm, was paid \$6,500 by the EPA in February to create the report, E&E News first reported. One of the company's previous clients include Interior Secretary Ryan Zinke, when he ran for Congress in Montana.

The company's founder, Philip Stutts, also regularly appears as a commentator on Fox News, according to Go Big Media's website.

EPA spokesman Jahan Wilcox confirmed the contract, highlighting that it was the cheapest option.

"We had two options: one vendor was \$29,140 and the other was \$6,500, but ultimately this document was made in-house. This pales in comparison to the previous administration that paid \$570,000 to a Democratic campaign manager's PR firm to run EPA's What's Upstream campaign," Wilcox said in a statement.

The report, released Monday, touted the EPA's top achievements and highlighted, among other things, a The Hill article entitled: "EPA staffing falls to Regan-era levels."

Other accomplishments highlighted in the report included the agency's rescinding of the Waters of the United States rule and EPA Administrator Scott Pruitt's directive to remove scientists from sitting on advisory boards who receive agency grant funding.

"Administrator Pruitt's directive ensures that EPA's Federal Advisory Committees (FACs) provide a diverse and independent range of perspectives. Members serving on an EPA FAC shall not simultaneously receive grants from the agency," the report read.

In December, Mother Jones first reported that Pruitt paid a Republican opposition research firm \$120,000 to provide media monitoring. Days after the news broke, the EPA rescinded the no-bid contract with Definers Public Affairs.

"How we consume our news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor," Wilcox told The Hill at the time.

The Hill

<http://thehill.com/policy/energy-environment/377720-epa-science-advisers-havent-met-in-6-months>

EPA science advisers haven't met in six months: report

By Jacqueline Thomsen, 3/10/18, 9:05 AM

The Environmental Protection Agency's (EPA) scientific advisory board (SAB) hasn't met in at least six months, Scientific American reported this week.

The magazine said the full EPA board last met in August, and has not held conference calls or votes since then. One board member said that in the past, the group would have met or been in contact several times.

The EPA said that the group hasn't met because of delayed paperwork, which stops the board from having enough members to reach a quorum.

However, one board member said that EPA head Scott Pruitt was slowing down the board until about a dozen members' terms end in September.

"He's running out the clock, because in the end of September, he gets another chunk of them off," the member told Scientific American. "The obvious interpretation is that he's making sure he doesn't use the SAB until he has appointed the overwhelming majority of the people on the SAB."

Peter Thorne, a professor at the University of Iowa College of Public Health and former chairman of the board, said the board would normally have at least one two-day meeting and a couple of teleconferences over the span of six months.

He added that EPA officials would also consult the board on the science behind new regulations.

"If there are reports or regulatory actions that are being scheduled or that are happening and they're not coming to the science advisory board, then something is most definitely lost, because the board provides very important input to the process and scientific rigor," Thorne told Scientific American.

Pruitt has taken steps to reshape the agency's advisory boards, blocking scientists who have received past EPA grants from sitting on the boards. The EPA said the move was to eliminate conflicts of interest, but critics have said it allows more industry advocates to work as EPA advisers.

The Hill

<http://thehill.com/policy/energy-environment/377921-trump-admin-wants-case-over-epa-science-advisers-dismissed>

Administration asks court to dismiss lawsuit from EPA scientists

By Timothy Cama, 3/12/18, 10:13 AM

Attorneys for the Trump administration are asking a court to dismiss a lawsuit challenging Environmental Protection Agency (EPA) head Scott Pruitt's new policy on science advisers.

Justice Department attorneys argued that Pruitt's policy preventing EPA grant recipients from serving on external advisory committees is well within government ethics rules and Pruitt's authority to pick his own advisers.

"Plaintiffs make the extraordinary claim that the EPA's effort to ensure a diversity of viewpoints on advisory committees that provide advice and recommendations to the administrator somehow violates government-wide ethics rules. But the directive that plaintiffs challenge does no such thing," the government wrote in a motion filed late Friday.

Lawyers further argued that the directive is not intended to change ethics rules, but is instead merely "a general statement of policy that describes the appointment philosophy EPA will apply regarding the federal advisory committees it administers."

"Ultimately, the power to appoint committee members is the administrator's alone and is non-reviewable by the courts under the circumstances presented here," the attorneys said in asking for dismissal. "Plaintiffs' challenge to these highly discretionary policy judgments and the EPA's power to make them is unprecedented and should be rejected by the court."

The case is being heard in the federal District Court for the District of Columbia by Judge Trevor McFadden, who was nominated last year by President Trump.

Pruitt rolled out the policy in October 2017, arguing that EPA grantees — generally academics with expertise in areas like public health and pollution — have significant conflicts of interests. He said the new policy for advisers would eliminate such conflicts.

"We want to ensure that there's integrity in the process, and that the scientists who are advising us are doing so with not any type of appearance of conflict," Pruitt said at the time. "And when you receive that much money ... there's a question that arises about independence."

Pruitt estimated that in the last three years, grantees sitting on the main three EPA advisory committees had received \$77 million from the agency. The policy banning grant recipients from the boards is agency-wide, applying to all 22 advisory committees.

A handful of committee members were pushed out, and many were replaced by industry- or Republican-friendly advisers.

Some groups and researchers sued the EPA in December, saying the policy violated laws governing ethics, advisory committees in general and specific laws that authorized certain committees.

"EPA's effort to purge independent scientists from its advisory committees has harmful implications for the nation's health," Barbara Gottlieb, director of Physicians for Social Responsibility, said at the time. Her group is the leading plaintiff in the case, Physicians for Social Responsibility et al. v. Scott Pruitt.

"Losing top-flight academic researchers, and replacing them with industry-dependent voices, will undermine actions to protect us from toxic pollutants and life-threatening climate change. If EPA won't abandon this harmful approach, we're happy to take them

to court."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076093/search?keyword=EPA>

City leaders press Pruitt aides on climate, staffing

By Kevin Bogardus, 3/12/18

Elected officials from around the country questioned two senior aides to U.S. EPA Administrator Scott Pruitt over the weekend.

During a conference hosted by the National League of Cities, local leaders pressed Dennis Lee Forsgren, deputy assistant administrator in EPA's Office of Water, and Albert "Kell" Kelly, a senior adviser to Pruitt, on issues related to infrastructure and climate change.

Forsgren touted President Trump's infrastructure plan and EPA's role in the proposal, including its handling of Water Infrastructure Finance and Innovation Act, or WIFIA, loans that can help rebuild water systems.

Forsgren also talked about Pruitt's effort to combat lead poisoning, as well as EPA's work to revise the Lead and Copper Rule.

One worry about the regulation is how the agency will move to phase out lead in drinking water, such as requiring replacements of lead service lines. Forsgren hinted at that problem in his speech yesterday.

"We would expect to be moving out smartly with new rules on the Lead and Copper Rule. We also understand that if we're not careful in how to do that, we could wind up with a large unfunded mandate, so we're working for ways to find financing and other mechanisms to allow for that," Forsgren said.

On climate, Forsgren said the agency has been working to make sure wastewater systems are located in areas that won't be affected by rising global temperatures.

"We are aggressively working on things in the Office of Water like resiliency," Forsgren said. "We can debate about the initiatives, but one thing I can say is Administrator Pruitt is more committed than anyone I've ever met to making sure the next generation has a future."

Kelly, a former Oklahoma banker who has been charged with Pruitt to lead a task force to improve its Superfund program, told officials to take his business card and call his cellphone if they needed EPA's help.

"We work for you," Kelly said. "Contrary to the way sometimes federal government or federal agencies come across, we work for all of you, and we should respond that way."

He discussed work on the Superfund task force, including setting up working groups at the agency to implement 42 recommendations from a report the group issued last year.

Kelly said he expected all those recommendations "to be underway or implemented" by the report's one-year anniversary of June 22 this year.

"Why is that important? It's important because those Superfund sites represent those things that are in our country that are of high environmental concern," Kelly said.

Both EPA officials addressed worries about hundreds of agency employees leaving over the past year. Several EPA staffers took buyouts or retired in 2017.

Last month, the administration proposed deep cuts for the agency in fiscal 2019 that would reduce the workforce to 12,250 employees (Greenwire, Feb. 12).

"You all have the same problems as local officials. You can't do everything you would like to do with the resources you have. We can only use the resources that the Congress provides us," Forsgren said.

Hometown Superfund site

After his remarks to the conference, Kelly spoke to E&E News about his experience with the Superfund program in his hometown of Bristow, Okla.

A family company owns land in the town, including some parcels next to the abandoned Wilcox Oil Co. refinery that is on EPA's list of toxic waste sites (Energywire, Feb. 28).

Kelly is familiar with the old refinery, saying it has its own "unique characteristics," noting the nearby church was damaged by oil leaking from the site.

"I have not been really involved in that Superfund site other than to know what's going on," Kelly said. Asked if he has a formal recusal related to the site, Kelly said he didn't.

"If it were deemed to be something that I should do, I would. But I'm not influencing that. I mean the professionals out of Region 6 are handling it. I'm not doing anything on it," Kelly said. He emphasized his job at EPA was not to work on specific sites but to help improve the program.

"I don't really make any decisions on Superfund sites. Those are made by the administrator and the region. What I try to do is make things move a little faster, utilize our great EPA professionals and help them do their jobs. It has worked pretty well," Kelly said.

More personnel on Superfund are coming to EPA. Last week, Trump nominated Peter Wright, a Dow Chemical Co. lawyer, to lead the agency's Office of Land and Emergency Management, which oversees the program.

Asked how he would work with Wright, Kelly noted that he doesn't "really fold up" under the solid waste office but was ready to work with Wright once confirmed.

"I will do whatever I can to work with him," Kelly said. "We'll work hand in glove with him, and I will work hard not to step on anybody's area."

The Hill

<http://thehill.com/homenews/administration/377710-cabinet-officials-rebuked-by-white-house-amid-ethics-questions-report>

Cabinet officials rebuked by White House amid ethics questions: report

By Max Greenwood, 3/9/18, 9:29 PM

Four Cabinet-level officials were reportedly scolded in private meetings at the White House last month for news stories detailing questionable ethical behavior.

CNN reported Friday that Interior Secretary Ryan Zinke, Housing and Urban Development Secretary Ben Carson, Veterans Affairs (VA) Secretary David Shulkin and Environmental Protection Agency Administrator Scott Pruitt were among those called to the White House.

The meetings were held at the request of White House chief of staff John Kelly, and stressed the importance of avoiding even so much as the appearance of unethical behavior, according to CNN.

The agencies were also reportedly given guidelines, titled "creating a culture of compliance." The advice outlined in that document highlighted the importance of "optics," saying that officials should refrain from behavior that could appear outside their agency's mission.

A number of Cabinet-level officials in the Trump administration have faced scrutiny amid questions dealing with ethical behavior.

Pruitt faced backlash over first-class travel on official trips, while Zinke's travel is the subject of investigations by the Office of Special Counsel and the Interior Department's inspector general.

Carson has also come under fire for purchasing a \$31,000 table for his office, an order he canceled last week, while a trip to Europe

by Shulkin last summer was the subject of an inspector general's report. That report found that the VA secretary misused government resources.

CNN

<https://www.cnn.com/2018/03/09/politics/cabinet-secretaries-ethical-behavior/index.html>

White House scolds Cabinet officials after embarrassing ethics reports

By Cristina Alesci, 3/9/18, 9:22 PM

(CNN)The White House held private meetings with four Cabinet-level officials last month to scold them for embarrassing stories about questionable ethical behavior at their respective agencies, sources familiar with the sessions tell CNN.

Internal watchdogs have launched at least nine audits, reviews or investigations across several Cabinet agencies, and stories about first-class travel, expensive office furniture, and internal strife have become commonplace.

Interior Secretary Ryan Zinke, Housing and Urban Development Secretary Ben Carson, Veterans Affairs Secretary David Shulkin and Environmental Protection Agency Administrator Scott Pruitt all met with officials from the White House counsel's office and the Cabinet liaison.

The meetings, held at chief of staff John Kelly's request, were intended to provide "a clear message that optics matter," the sources said.

The White House gave the agencies a set of guidelines in a document titled "creating a culture of compliance," according to portions of the document obtained by CNN.

Among the highlighted advice:

- "You are the best guardian of your reputation. Your recordkeeping practices must be designed with a purpose to prove innocence at the complaint phase or with the press."
- "Even if legal, does not mean you should do it -- always consider optics."
- "Optics questions: Does the event or travel further the President's priorities, your department or agency's mission; or, does it appear recreational or entertainment in nature."
- "Remember, an ethics opinion matters only if the ethics officer received all of the information."

The White House declined to comment.

During the meetings, the White House officials asked agencies to flag any possible problems, including ongoing investigations or audits.

But shortly after the session with Zinke, CNN published a report with several examples that ethics watchdogs say raise questions about whether Zinke is misusing his travel privileges, despite receiving approval from the department's lawyer and ethics officer.

The White House was disappointed after meeting with Zinke because his agency failed to mention the story, of which Interior was aware and quoted a department spokesperson on the record, the source familiar told CNN.

Asked about the White House's unhappiness, an Interior spokesperson who declined to be named, "this is such a nothing-burger."

The person added, "Cabinet secretaries and staff meet with the White House constantly about a number of issues to include advancing policy priorities and strategy."

In his meeting, VA Secretary Shulkin was told he could no longer discuss purging agency employees after he told Politico he had permission from the White House to remove insubordinates. He was also advised that stories about "palace intrigue" were unacceptable, a source familiar said.

When asked about the meeting, the VA public affairs office replied in a statement: "President Trump tasked Secretary Shulkin with reforming the VA so it could better serve the men and women who sacrificed to protect our country. Many reforms have already been enacted, many more are still needed, but nothing will distract the President, the Secretary and the Department from finding

the best ways to provide care and benefits to our country's heroes."

EPA spokesman Jahan Wilcox denied CNN's characterization of Pruitt's White House meeting.

"This is entirely untrue," Wilcox said. "Administrator Pruitt has regular meetings with a number of officials at the White House. Throughout those meetings, the White House has offered continued support of EPA, to help the Agency succeed in furthering the President's environmental agenda."

HUD did not respond to a request for comment.

Last week, Carson canceled a \$31,000 dining room furniture purchase after a whistleblower said she was demoted when she refused to break the law and overspend for redecorating Carson's office. The agency has denied the allegations. HUD's inspector general is also looking into the role Carson's family has played in department business.

It's unclear what answers the agencies provided when asked to spot potential problems, but there are open reviews and inquiries across several agencies.

EPA's internal watchdog is investigating the frequency, cost and extent of Pruitt's travel following reports of his many flights to his home state of Oklahoma and that he used taxpayer funds on first-class flights and luxury hotels that exceeded his predecessors. EPA has cited security concerns as the reason Pruitt flies first class.

Zinke's travel is also under investigation by both the Office of Special Counsel and the Interior Department's inspector general, including a visit he had with a hockey team owned by a former donor to his 2014 campaign.

The VA's inspector general recently released a damning report about Shulkin's July 2017 trip to Europe. The report concluded that Shulkin misused taxpayer funds and inappropriately accepted Wimbledon tickets, and that his then-chief of staff doctored an email to justify the department paying for his wife's airfare to accompany him. Shulkin has said he intends to comply with all the IG recommendations, even though he disagreed with them.

In addition, multiple sources tell CNN that the secretary had been locked in battle with a group of Trump administration officials, who Shulkin says have been working to push him out of the department.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/judge-orders-epa-to-issue-ozone-designations-quickly-783439>

Judge orders EPA to issue ozone designations quickly

By Alex Guillen, 3/12/18, 1:56 PM

A federal judge today said EPA was clearly in the wrong when it missed an October deadline to declare which areas do or do not meet the 2015 ozone standard, and ordered the agency to issue most of the designations by the end of next month.

EPA has said it can complete almost all of the remaining areas by April 30. Though the agency already announced that about 85 percent of the country meets the standard, it has yet to declare how much of the remainder will be designated non-attainment and be required to curb pollution.

The one exception among the remaining areas is the San Antonio region. EPA said it would need until Aug. 10 to review recently submitted data from the state.

But Judge Haywood Gilliam Jr. of the U.S. District Court for Northern California sided with the environmental challengers and ordered EPA to finish the San Antonio decision by July 17. That 127-day timeline gives EPA one week to send Texas proper notice of how it intends to categorize San Antonio, plus the standard 120 days for the state to review and respond.

Gilliam, an Obama appointee, said EPA failed to show why it would need further time to finish the San Antonio designations and that "EPA's reasoning effectively allows states to drive the agency's timeline for statutory compliance."

WHAT'S NEXT: EPA must issue most of the remaining ozone designations by April 30, and the San Antonio designations by July 17.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060075965/search?keyword=EPA>

EPA faces growing calls to replace lead pipes

By Ariel Wittenberg, 3/9/18

U.S. EPA is facing pressure to require some form of lead pipe replacement when it revamps its lead and copper drinking water regulations.

Democratic Reps. Gwen Moore of Wisconsin and Louise Slaughter of New York have sent a letter to EPA Administrator Scott Pruitt this week urging him to require "full replacement of all lead service lines" nationwide.

Lead is a potent neurotoxin that is particularly harmful to children.

Public health experts have long argued that the best way to reduce exposure to lead in drinking water is to replace 7 million to 11 million lead water lines — a job that water utilities estimate would cost \$30 billion.

One of the challenges in removing lead service lines is that no one knows exactly how many exist. The American Water Works Association estimates there could be 3.3 million to 10 million lead pipes in service.

In comments to EPA, AWWA says the agency should require utilities to develop an inventory of lead pipes within their service area.

While AWWA doesn't put a timeline on removal of lead pipes, the water utility interest group does recommend that a final lead regulation "result in ... development of plans for the complete removal of lead service lines through a long-term, shared commitment."

"Lead service line replacement strategies must consider other water and non-water improvements and customer affordability challenges. Locally developed programs, responsive to local circumstances, are essential."

EPA has been working on revising the Lead and Copper Rule since 2010. After the drinking water crisis in Flint, Mich., the agency said a new rule would come out in June 2017. The Trump administration has pushed back that date twice, and a new proposal is now expected in August 2018.

As part of a new rule, AWWA also says EPA should require "robust" corrosion control methods to prevent lead from leaching out of pipes and into water, as well as more public outreach on lead risk.

Slaughter and Moore are also asking EPA to drastically change water sampling requirements.

Critics have long said existing sampling standards can be manipulated in ways that don't give an accurate picture of lead contamination. In addition, it's often the same homes with a low risk of having lead that are tested multiple times, leaving out possible contamination in the wider communities. Large utilities are also allowed to sample just once every three years.

"EPA has allowed these techniques to continue without consequence," the lawmakers wrote. "We must implement strict testing procedures and discourage creative testing strategies that allow failing systems to persist."

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076071/search?keyword=EPA>

Pruitt ag adviser leaves

By Kevin Bogardus, 3/12/18

Jeff Sands, U.S. EPA Administrator Scott Pruitt's senior agricultural adviser, has left the agency, sources told E&E News.

Sands resigned from EPA in early March and has returned to Capitol Hill. He started last week as a policy adviser in Florida Republican Rep. Ted Yoho's office, according to Brian Kaveney, a Yoho spokesman.

An EPA spokesman said, "Jeff provided great guidance on issues affecting American farmers and we wish him the best of luck moving forward."

Sands was only at EPA for a few months, having joined the agency this October. At the time, Pruitt said in a statement that Sands' "expertise in agriculture issues will be essential to advancing Agency goals moving forward" (E&E Daily, Oct. 18, 2017).

Prior to EPA, Sands was a lobbyist for agribusiness giant Syngenta AG. He was part of the company's team of lobbyists that worked on several issues before the agency, including the renewable fuel standard, policies dealing with pesticides, as well as changes to scientific advisory work.

Sands' lobbying led to him being granted a waiver from President Trump's ethics pledge, specifically exempting him from lobbyist restrictions.

In its request for the waiver, EPA said Sands was "a valuable addition" to Pruitt's team, whom the administrator needed "to be able to work on the full range of agricultural issues to the maximum extent possible" (Greenwire, Feb. 23).

Sands has also lobbied for the Agricultural Retailers Association and has previous Capitol Hill experience. He has been an aide to Rep. Tom Marino (R-Pa.) on agricultural issues.

AP

<https://apnews.com/10ec44dfe1bb4b8eae54b62f3e5b3ff2/2-ex-US-environmental-chiefs-blast-truck-emissions-loophole>

2 ex-US environmental chiefs blast truck emissions loophole

3/12/18

NASHVILLE, Tenn. (AP) — Two ex-U.S. Environmental Protection Agency administrators say officials should withdraw a proposed trucking emissions exemption, saying it's based on flawed scientific analysis.

Carol M. Browner under President Bill Clinton and Christine Todd Whitman under President George W. Bush criticized the glider kit trucks proposal in Friday's letter to EPA Administrator Scott Pruitt.

The letter says the industry evades diesel truck pollution standards with rebuilt, high-polluting engines in new truck bodies.

It says the EPA used a Tennessee Technological University study that the school's president has since said to avoid while potential research misconduct is investigated.

Rep. Diane Black pushed the exemption using the study funded by a Tennessee glider kit company whose employees and family donated heavily to her gubernatorial campaign.

Her campaign responded she fights for rural manufacturing jobs.

The Hill

<http://thehill.com/policy/energy-environment/377931-two-former-epa-heads-urge-pruitt-to-withdraw-changes-to-glider>

Ex-EPA heads urge Pruitt to scrap changes to truck pollution rule

By Miranda Green, 3/12/18, 11:38 AM

Two former Environmental Protection Agency (EPA) chiefs are urging current administrator Scott Pruitt to withdraw a proposal to lower pollution standards for heavy-duty trucks after reports the agency may have relied on a compromised study to reach its decision.

The joint letter sent Friday by former administrators Carol Browner and Christine Whitman, who served under Presidents Bill Clinton and George W. Bush, respectively, asked Pruitt to utilize "sound science" and consider the best available research when making policy decisions regarding pollution standards for glider trucks.

"Throughout our tenures as Administrators, our policy decisions were centered on the best available research and scientific protocols. We are deeply troubled that the Agency's steadfast commitment to public health and environmental protection based on the best available science is being undermined – putting at risk air and water quality and endangering children and families," the letter reads.

Their letter followed reports in late February that a key study the EPA was relying on for its determination to change the rule was being rescinded by the university in charge of it.

The president of Tennessee Tech University disavowed the "Environmental and Economic study of Glider Kit Assemblers" report, writing in a letter to Pruitt directly that experts were now questioning "the methodology and accuracy" of the test, and that EPA should no longer consider the findings.

The school's president, Philip Oldham, also said they were researching allegations of research misconduct.

The former EPA heads wrote Pruitt that in light of the news, he should withdraw his proposal to change the emissions guidelines.

"Not only does it appear that the Tennessee Tech study failed to follow proper research protocol, the conclusions of the study are contrary to a well-established understanding of the pollution from older diesel engines," reads the letter. "In light of the serious questions raised about the study, we urge you withdraw the glider proposal."

The Washington Post first reported in November that the study was funded by Fitzgerald Glider Kits, a company that makes new truck bodies, known as gliders, with refurbished engines, and which is the biggest glider manufacturer in the country.

Currently, the big rigs sold by Fitzgerald utilize a federal law loophole that allows them to run on rebuilt diesel engines that generate 40 to 55 times the air pollution of newer trucks, according to federal estimates, but do not have to comply with modern emissions rules.

Earlier in February, the New York Times reported close ties between Fitzgerald and the Trump administration that have supported keeping the loophole open. President Trump made a stop at Fitzgerald dealership during his campaign and Rep. Diane Black, a Republican candidate for Tennessee governor, has introduced legislation in the past to attempt to keep the loophole permanent.

While her legislation failed, the Times reported that Black initially presented the Tennessee Tech study to Pruitt last fall, which led him to make the exemption to the gliders in November.

Just six weeks earlier, Fitzgerald business entities as well as family members and associates connected to the company contributed at least \$225,000 to Black's campaign for governor, the Times found through federal campaign disclosures.

Politico

<https://www.politicopro.com/transportation/whiteboard/2018/03/democrats-urge-pruitt-to-drop-glider-rule-repeal-782692>

Democrats urge Pruitt to drop glider rule repeal

By Alex Guillen, 3/12/18, 11:10 AM

Two key Senate Democrats today urged EPA Administrator Scott Pruitt to reverse his proposal to repeal part of an Obama-era rule setting new emissions standards for gliders, refurbished engines placed into new truck cabs.

Sen. Tom Carper (D-Del.), the ranking member on the Environment and Public Works Committee, and Sen. Tom Udall (D-N.M.), the top Democrat on the EPA appropriations panel, wrote in their letter that they are "deeply troubled" by political and scientific questions around EPA's proposed repeal.

Although the country's biggest glider manufacturer, Fitzgerald Glider Kits, never challenged the glider requirements in court, it successfully petitioned EPA to repeal that part of the rule last year. EPA said it no longer believed it has the statutory authority to

regulate gliders like new trucks.

Carper and Udall argue that there is substantial evidence gliders emit drastically more pollution than newly manufactured engines. They note Tennessee Technical University is now investigating a key study on glider emissions that was part of Fitzgerald's pitch to EPA and which the school has warned EPA not to rely on.

They also pointed to a November study from EPA's National Vehicle & Fuel Emissions Laboratory that found that under certain conditions, gliders emitted 43 times the nitrogen oxide emissions of new trucks and as much as 450 times the particulate matter.

Carper and Udall ask in the letter "that you immediately announce plans to withdraw this proposal." The lawmakers also called on EPA to produce documents regarding the repeal, Pruitt's meetings with Fitzgerald executives and other issues.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076087/search?keyword=EPA>

Agency punches back in science advisers lawsuit

By Sean Reilly, 3/12/18

U.S. EPA Administrator Scott Pruitt has sole authority to name members to almost two dozen advisory committees, agency attorneys argue in a new court filing that seeks to throw out a lawsuit challenging membership standards imposed last fall.

"Ultimately, the power to appoint committee members is the administrator's alone and is non-reviewable by the courts under the circumstances presented here," agency lawyers wrote in a lengthy dismissal motion Friday with the U.S. District Court for the District of Columbia. The suit "is unprecedented and should be rejected," the filing added.

The salvo marked EPA's first formal response to the legal challenge, which is the first of three brought by various university researchers and advocacy groups since Pruitt announced the new standards in late October.

Most controversially, Pruitt's policy bars current recipients of EPA grant funding from serving on the Science Advisory Board, the Clean Air Scientific Advisory Committee and some 20 other panels that provide outside expertise on subjects ranging from water quality to environmental justice.

Pruitt framed the policy as a matter of preserving the independence of advisory committees from agency influence. Critics have countered that EPA already has adequate conflict-of-interest yardsticks and that Pruitt is simply seeking to stack the panels with members skeptical of the need for tighter environmental regulations, regardless of the scientific evidence.

The plaintiffs in the D.C. District Court suit include one researcher who was forced off the Science Advisory Board, as well as two other former members who argue they would have to give up their EPA grants if they wanted to serve again and are thus suffering a loss of professional opportunity.

Their suit, brought just before Christmas, contends that EPA should have first gotten the approval of the Office of Government Ethics, which oversees compliance with federal ethics laws, and that Pruitt's policy violates the Federal Advisory Committee Act (FACA), in part by setting an unreasonably high bar for independence from the agency (E&E News PM, Dec. 21, 2017).

In its Friday response, however, EPA contended that the policy does not purport to establish ethics norms and thus does not conflict with federal ethics laws. The alleged FACA infractions don't hold up because the plaintiffs fail to cite a violation of any specific membership requirement, the motion continued. Under governmentwide FACA regulations, "committee members serve at the pleasure of the appointing or inviting authority," it said.

The dismissal motion also stressed that the ban on service by active grant recipients was just one of several steps outlined in Pruitt's October directive geared "to promote new and different perspectives by opening up EPA's advisory committees to new membership."

Others include promotion of geographic diversity; the addition of more participants from state, tribal and local governments; and the regular rotation of members, the motion added. Taken together, those steps seek "to enhance the values of diversity, participation, independence and expertise that are at the heart of good government and sound administration," the motion said.

As a bedrock legal matter, EPA also argued that all of the plaintiffs lack the "standing" to bring a suit.

The two former Science Advisory Board members who left the panel before Pruitt issued the directive, for example, have not yet sought to rejoin, the motion said. And Ohio State University professor Robyn Wilson, the one plaintiff who left the board because of the new policy, also lacks standing because she fails to establish "redressability," the dismissal motion added in a footnote. Even if a judge voided Pruitt's directive, his authority "to remove her does not depend on" it, EPA said.

Two other lawsuits, brought earlier this year by the Union of Concerned Scientists and the Natural Resources Defense Council, are pending in U.S. district courts for Massachusetts and the Southern District of New York, respectively (Greenwire, Jan. 25). As of this morning, EPA had not yet substantively responded to either, according to filings available through the federal courts' online records system.

E&E Daily

<https://www.eenews.net/eedaily/stories/1060075999/search?keyword=EPA>

Committee takes up 'good Samaritan' cleanups

By Dylan Brown, 3/12/18

House Natural Resources Committee lawmakers this week will renew an old push to get more people involved in cleaning up the nation's half-million abandoned hardrock mines.

The Natural Resources Subcommittee on Energy and Mineral Resources will hold a hearing Thursday on the role of nongovernmental groups in non-fuel mining reclamation.

So-called good Samaritans have long wanted to help but continue to be scared away by the risks associated with the massive liabilities at toxic sites.

U.S. EPA has tried to clarify damage responsibilities before, but potential good Samaritans still see too many risks in fixing things like flooded mine shafts when a wrong step can lead to a catastrophe like the 2015 Gold King mine spill.

"We're the most full-throated advocate for the Clean Water Act there is, but just some minor tweaks that make it easier to make improvements to water quality that may not be perfect is what we're looking for," Trout Unlimited President Chris Wood said at a hearing last year (E&E Daily, May 25).

The angler advocates spearheaded a separate good Samaritan bill for coal mines, H.R. 2937, that passed the House last year.

The change to the law governing coal, the Surface Mining Control and Reclamation Act, has bipartisan support, but a hardrock equivalent, requiring Clean Water Act action, has not emerged.

Democrats and environmentalists remain concerned that if something goes awry, taxpayers could end up footing the bill. But more broadly, they contend good Samaritans cannot pay for all \$54 billion in reclamation left nationwide.

Democrats have sponsored legislation to charge a fee on hardrock mining to pay for cleanup. Coal companies already pay such a fee.

Separately, the President Trump's infrastructure plan calls for "broadening eligibility" under the Water Infrastructure Finance and Innovation Act to include water contamination remediation by "non-labile parties" (Greenwire, Jan. 23).

The blueprint also calls for removing restrictions to integrate funding from third parties for Superfund cleanup, a top talking point for EPA Administrator Scott Pruitt.

Schedule: The hearing is Thursday, March 15, at 2 p.m. in 1324 Longworth.

Witnesses: TBA.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=129361589&item=408&prod=deln&cat=AGENCY

Companies' Chemical Secrets Run Up Against the New Toxics Law

By Adam Allington, 3/12/18

Companies aren't justifying the need to keep their chemicals confidential at a time when consumers are demanding more information about the products they buy, environmental groups argue.

Companies are wrangling with updates to the nation's toxic chemicals law that require them to provide more information up front to justify keeping their chemicals secret, and lack of guidance from the Environmental Protection Agency may be to blame, the industry said.

Keeping their chemicals confidential is crucial for the industry, companies argue, because even small details could reveal trade secrets about how products are made.

More than four months have passed since the October deadline requiring companies to provide "up-front" data to justify new requests that a chemical be classified as "confidential business information," or CBI, and thus not revealed to consumers.

However, the Environmental Defense Fund claims that EPA is not substantiating those new CBI requests in accordance with the law, and instead leaving the door open for companies to continue to hide critical information on the confidential portion of the TSCA inventory.

"Most companies are still submitting their TSCA documentation the same way they always have, without even trying to substantiate the reason for CBI claims," Richard Denison, a lead senior scientist with EDF, a nonprofit environmental advocacy group, told Bloomberg Environment.

More Guidance Needed

The logistical challenges related to resubmitting data for thousands of chemicals require more time and guidance from the EPA, according to the industry.

"I think we're still sort of in transition phase. Companies are not acting in bad faith," James Votaw, an environmental compliance attorney at Keller and Heckman, a Washington, D.C., law firm, said.

Votaw told Bloomberg Environment that claims for confidentiality were rarely, if ever, reviewed by the EPA previously. The new mandate requires documentation submitted upfront to be reviewed within 90 days by the EPA. While there has not been very much enforcement on confidential business information substantiation yet, Votaw said there is certainly a risk for those companies that might attempt to get a false certification.

"This could be a case where EPA pursues one or two high profile enforcement cases to make the point, and from thereafter industry is better at policing itself," he said.

"But I hope EPA is not too quick to go there because companies are probably just doing what they used to do, and may just need more guidance to make adjustments."

However, an EPA spokesperson told Bloomberg Environment the agency has in fact provided guidance for companies, including a series of webinars explaining the new substantiation requirements under Section 14 of TSCA.

The spokesperson maintained the agency "will hold companies accountable," for failing to provide a sufficient data to substantiate their confidentiality requests.

Loss of Intellectual Property

Trade secrets could include everything from a substance's chemical structure, to production volumes, or even the particular site that made it.

Many manufacturers and their downstream customers worry that rolling back confidentiality safeguards could destroy critical trade

secrets.

“Without proper security of CBI there is much less incentive for our members to innovate new, more effective formulations at the risk of losing all their hard work,” Owen Caine, executive vice president at the Household & Commercial Products Association, told Bloomberg Environment.

“Communication of seemingly isolated pieces of information about a product formula, including ingredient chemical names, concentrations, Chemical Abstract Service names and numbers, and physicochemical properties, provide key ‘clues’ to a trained eye that could unravel the sophisticated formulary science behind a product that was a significant investment to create,” Caine said.

Whatever the business risks may be, they are running up against a public that is demanding more information about the products it buys.

“Companies are actually starting to compete in the transparency space,” Julie Froelicher, technical relations manager at Procter & Gamble, said.

Speaking at the recent GlobalChem conference in Washington, D.C., Froelicher pointed to emerging state requirements for cleaning product disclosures that are popping up in [California](#), New York, and [Maryland](#). In addition, Walmart's new [sustainable chemistry policy](#) asks suppliers to include full ingredient transparency, including products typically protected under trade secrets such as fragrances.

What Qualifies in ‘Inventory Reset’

Prior to the 2016 amendments to TSCA, the EPA's chemical inventory had grown to over 85,000 substances manufactured, imported, or processed in the U.S.—17,800 of which contained concealed information, according to EDF.

As part of amendments, the EPA was ordered to determine which of the existing chemicals on the register are still present in commerce in the United States.

Known as the Inventory Reset Rule or Active-Inactive Rule, it requires any company looking to retain confidentiality on the register to resubmit substantiation documentation. The EPA has five years to review whether that information has a case to remain hidden.

But EDF also alleges that the EPA is misapplying that standard, by letting too many new companies to piggyback onto pre-existing confidentiality claims.

“Our complaint is that even companies that never made a claim in the past are being allowed to do so during this process,” Denison said.

According to EDF, that allows companies to hide behind trade secret claims to avoid legal obligations to identify potentially harmful chemicals in their products.

“The public cannot tell whether a large majority of the highest-use chemicals in the United States pose health hazards or not,” EDF [said in a brief](#) filed March 6 in U.S. Court of Appeals for the District of Columbia Circuit.

“These include chemicals that we are likely to breathe or drink, that build up in our bodies, that are in consumer products, and that are being released from industrial facilities into our backyards and streets and forests and streams.”

However, court documents show that industry groups siding with the EPA claim that any changes in confidentiality procedures could impact “core commercial interests, as protecting confidential information has substantial value for many companies and, more generally, is a major factor in promoting innovation and research into new chemicals.”

A Department of Labor panel has rejected a U.S. EPA bid to overturn a ruling that found the environmental agency retaliated against a high-profile 9/11 whistleblower.

The March 1 ruling from the DOL Administrative Review Board upheld a default judgment against EPA for its repeated failures to comply with discovery orders required by Administrative Law Judge Linda Chapman.

The underlying dispute in both cases was EPA's Dec. 30, 2010, termination of Cate Jenkins, an environmental scientist in the agency's Office of Resource Conservation and Recovery, over accusations of threatening to kill her supervisor.

Jenkins, who joined EPA in 1979, had previously raised concerns about the agency's testing of World Trade Center dust after the Sept. 11, 2001, terrorist attacks. She denied ever threatening her boss and claimed that her dismissal was actually in retaliation for her protected whistleblower activities.

Jenkins' termination appeal was upheld by the U.S. Merit Systems Protection Board (MSPB), which found EPA had violated her due process rights and reinstated her job (Greenwire, May 7, 2012).

Jenkins, represented by the nonprofit Public Employees for Environmental Responsibility, asked DOL to force EPA to cover her attorneys' fees.

Chapman, citing EPA's "blatant flouting of the rules of discovery, and repeated violation of my Orders," sided with Jenkins and PEER (Greenwire, April 22, 2015).

The DOL review board determined that the Chapman "did not abuse her discretion in concluding that the extreme sanction of default judgement was warranted, and accordingly affirms the [administrative law judge's] Decision and Order," the ruling says.

The decision was penned by Administrative Appeals Judge E. Cooper Brown. Administrative Appeals Judge Leonard Howie III concurred in part and dissented in part.

The main objections Howie raised surrounded Chapman's assessment of Jenkins' character, in light of documented cases of workplace misconduct, and her application of a less rigorous standard in determining that EPA's discipline of Jenkins was related to her whistleblowing.

Jenkins, who still faces an EPA appeal of the MSPB decision, celebrated the recent DOL ruling.

"The decision for me personally is a wonderful relief," she said in an email today. "You cannot imagine being escorted out to my car in 2010 by cops, not even knowing what I was accused of."

Jenkins' latest victory against her longtime employer, however, may be more significant for future whistleblowers, she claimed.

"Hopefully, in time, EPA will be less enticed by the politically expedient fix of data tampering after disasters, just to reassure the public," Jenkins told E&E News. "There are real human health consequences."

The EPA press office didn't immediately respond to a request for comment on the DOL decision.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076079/search?keyword=EPA>

Judges weigh FOIA requests on alleged scientific misconduct

By Amanda Reilly, 3/12/18

Federal judges today struggled with a convoluted Freedom of Information Act lawsuit stemming from accusations of scientific misconduct at U.S. EPA.

"This is not the typical FOIA case," attorney John Hall, who is representing a coalition of Northeast cities, acknowledged at the outset of the arguments in front of the U.S. Court of Appeals for the District of Columbia Circuit.

The case stems from a 2012 decision by EPA Region 1 — which encompasses the Northeastern states — to seek to impose more restrictive nitrogen limits for sewage treatment plants to protect New Hampshire's Great Bay estuary.

In response to the decision, the Great Bay municipal coalition, which includes the city of Dover and neighboring communities, wrote to then-EPA Administrator Lisa Jackson and Inspector General Arthur Elkins alleging scientific misconduct.

The coalition claimed that EPA Region 1 ignored peer-reviewed studies and analysis by an independent technical advisory committee to impose the limits, which the cities say will cost millions of dollars to meet.

EPA responded to the group's concerns with a two-page letter concluding that EPA "has not seen evidence that Region 1 has engaged in scientific misconduct."

On Oct. 4, 2012, law firm Hall & Associates filed a FOIA request on behalf of the coalition seeking records that EPA relied on to come to its conclusion that there was no misconduct. Hall followed up on Oct. 22 with eight additional FOIA requests related to nutrient loading, Region 1 decisionmaking and EPA's peer review process.

EPA responded to the first request but denied the others because they were "articulated in the form of an interrogatory-like question." In other words, responding would have required the agency to conduct analysis and research.

In a March 2015 decision, the U.S. District Court for the District of Columbia ruled that EPA adequately responded to the first request and agreed with the agency that the other FOIA requests were improper because they could be construed as questions. After a back-and-forth with Hall and lawyers from EPA, the court suggested a modified FOIA request. EPA provided Hall with more documents.

The law firm, though, was still unsatisfied with the response. More than a year after the March decision, the firm asked the court to reconsider and filed a motion for attorneys' fees, arguing that it should receive fees because EPA released more documents as a result of its litigation.

After the district court denied both requests, the law firm appealed to the D.C. Circuit.

Hall today argued that, despite the concerns at EPA headquarters about the wording in the FOIA requests, there was no confusion among Region 1 staffers about the information that was sought.

The FOIA requests were about a "specific issue specifically defined," Hall said, adding that his law firm has filed "virtually the same" type of FOIA requests in the past.

He complained that EPA had not yet provided all relevant documents, despite the district court's decision to reword the FOIA requests.

But at multiple points during today's arguments, the three-judge panel appeared confused about the focus of the appeal.

"I'm not sure what you're really asking for," said Senior Judge David Sentelle, a Reagan appointee.

Judge Brett Kavanaugh, a George W. Bush appointee who presided over today's proceedings, several times pressed attorneys for both the plaintiffs and EPA over the issue of attorneys' fees.

"I'm trying to figure out why we're here," Kavanaugh said.

While the FOIA requests in question occurred during the Obama administration, the Trump EPA has continued to defend against the case. In court documents, EPA has charged that Hall & Associates refused to work with the agency to clarify the requests because it was "incentivized by the allure of potentially large attorneys' fees."

EPA says it offered the firm the opportunity to modify or clarify the request. Hall instead took the case to the courts.

Peter Pfaffenroth, an assistant U.S. attorney representing the agency, today said that EPA acted in "good faith" and charged that

the litigation was "an attempt to weaponize FOIA."

"These are sophisticated plaintiffs," Pfaffenroth told the judges.

Judge Patricia Millett, an Obama appointee, also seemed concerned about Hall's reticence to modify its FOIA requests outside of the litigation process.

"I don't think you made it very clear," she said, adding, "Why didn't you just ask for all documents that were involved in the preparation of your response?"

The court is expected to issue a decision in the coming months.

To: Dennis, Brady[Brady.Dennis@washpost.com]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Tue 12/19/2017 4:56:00 PM
Subject: RE: definers

Just tried to call you

From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Tuesday, December 19, 2017 11:52 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: definers

Hi there,

We might do something short on this Whitehouse/Harris letter asking EPA to cancel its contract with Definers. Just wanted to see if you all wanted to comment in any way?

Appreciate it.

The Washington Post

Brady Dennis
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Email: brady.dennis@washpost.com
Twitter: [@brady_dennis](https://twitter.com/brady_dennis)
Stories: <http://wapo.st/2sS5gfK>

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Dennis, Brady
Sent: Tue 12/19/2017 4:52:20 PM
Subject: definers

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Appreciate it.

The Washington Post

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Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract¹ ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."² While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,³ I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.⁴ According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".⁵

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.⁶ However, in a news article,

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

² *Id.*

³ Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

⁴ EPA Award, *supra* note 1.

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

⁶ EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”⁷ This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”⁸ which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.⁹ I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.¹⁰ Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut¹¹—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”¹² Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

⁷ Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

⁸ See *id.*

⁹ Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

¹⁰ See <https://americarisingpac.org/>

¹¹ See <https://reclaimct.com/about-us/>

¹² See <http://arsquared.org/energy/>

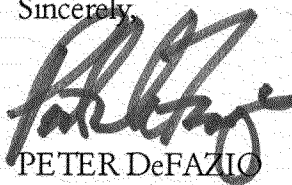
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO
Ranking Member



To: Interested Parties
From: Joe Pounder, President, America Rising Corp.
Date: May 22, 2017
Subject: Media Monitoring Services In 2017-2018

Project Scope:

Provide comprehensive media monitoring of news about Administrator Scott Pruitt and specifically about the Environmental Protection Agency (EPA).

Media Monitoring:

Definers Public Affairs can provide comprehensive war room-style media monitoring focused on stories about Administrator Pruitt and the Environmental Protection Agency. This monitoring would include print and online sources, national and local TV, and social media. Stories would be compiled into a **daily matrix** about Administrator Pruitt (example below). While not alerting stories throughout the day with a campaign-level intensity, Definers **will alert major stories as they develop**. Examples of a **Print Alert** and **TV Alert** are below.

The monitoring will focus on stories about Administrator Pruitt and the EPA and not stories about environmental policy in general. The ultimate goal of the monitoring is to provide your team with a greater understanding of the Administrator's and Agency's coverage throughout the day.

In the next three months, Definers will be rolling out for its monitoring clients a new Console that will make all news clips alerted available via login in addition to email notifications. The Console has a powerful search function that will allow users to easily find the clips they need for ongoing projects.

Timeline:

Definers can begin providing immediate support upon execution of an agreement.

Budget:

To accomplish this level of monitoring support, Definers proposes a retainer of **\$10,000 per month** for a term of one-year.

Sample Matrix/Compendium

EPA Clips

May 22, 2017

Print

Brian Dabbs, "EPA Experts Increasingly Shut Out Of Public Statements, Some Complain", Bloomberg, 5/22/17

Joe Wertz, "With Pruitt Leading EPA, Oklahoma Oil Firm Gains Ground In Fight Against Regulation", Stateimpact OK, 5/22/17

Staff, "EPA Workers Plan Rally To Protest Proposed Budget Cuts", Associated Press, 5/21/17

Rafi Letzter And Madeleine Sheehan Perkins, "Scott Pruitt's First 100 Days At The EPA Have Shown He's Unlike Any Former Chief", Business Insider, 5/21/17

Tom Mclaughlin, "EPA Announces Funding Available For Panhandle Estuary Program", Northwest Florida Daily News, 5/21/17

Lauren Cross, "Judge Denies Superfund Residents Court Intervention In EPA Cleanup", NWI Times Indiana, 5/21/17

Staff, "Polluters Are Expecting Big Savings From Scott Pruitt's EPA", Daily Kos, 5/21/17

Miranda Green And Rene Marsh, "President's Fiscal 2018 Budget Would Slash EPA Spending By 30%", CNN, 5/20/17

Hiroko Tbuchu And Eric Lipton, "How Rollbacks At Scott Pruitt's E.P.A. Are A Boon To Oil And Gas", New York Times, 5/20/17

Rick Keigwin, "EPA Collaborates With Growers On Risks", Iowa Farmer Today, 5/20/17

Adam Wernick, "EPA Administrator Scott Pruitt Is Not Making Anyone Happy Right Now", PRI, 5/20/17

Timothy Gardner, "White House Moving Ahead With Stiff EPA Budget Cuts: Group, Citing Document", Reuters, 5/19/17

Brady Dennis, "EPA To Set Aside \$12 Million For Buyouts In Coming Months", Washington Post,

5/19/17

Jennifer Ludden, "Public To EPA On Cutting Regulations: 'No!'", [NPR](#), 5/19/17

Jason O. Boyd, "Congressman Jones Calls For Removal Of EPA Regulation Impacting Aurora Mine", [WCTI Washington](#), 5/19/17

Caitlyn Stuplin, "EPA Preparing Cleanup Plan For West Deptford Superfund Site", [NJ Advance Media](#), 5/19/17

Staff, "EPA Partners With Quapaw Tribe Of Oklahoma To Continue Cleanup At Tar Creek Superfund Site; Epa Awards Over \$4 Million To Tribe", [Galena Sentinel Times](#), 5/19/17

Chris White, "EPA Official Invites Left-Wing Environmental Group To Agency For Talk On Science", [Daily Signal](#), 5/19/17

Marianne Lavelle And Georgina Gustin, "Trump Budget Would Wallop EPA's Climate And Environment Programs", [Inside Climate News](#), 5/20/17

Emily Atlin, "Scott Pruitt Is The Hypocritical Liar That Trump Deserves", [New Republic](#), 5/19/17

Andrew Freedman, "EPA Leader To Get More Bodyguards While Cutting Other Agency Staff", [Mashable](#), 5/19/17

Staff, "EPA Chairman Scott Pruitt On Potential Ramifications Of Pulling Out Of The Paris Climate Agreement: We Are The United States, We Don't Lose Our Seat At The Table", [Fox News Radio](#), 5/19/17

TV/Radio

5/22/17 [NPR](#): Discussion On The EPA Decision To Reverse The Chlorpyrifos Ban

Social

[@EmilyAtkin](#): "Scott Pruitt is touring conservative media outlets claiming Obama's EPA didn't accomplish anything. This is...false"

[@Bruneski](#): "Don't agonize, organize! How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas [nyti.ms/2qF7RrK](#)"

[@RepHankJohnson](#): "The budget's [#TrumpCuts](#) at EPA will negatively impact: -the AIR we breathe -the WATER we drink -the CLIMATE we leave our kids"

[@RepStefanik](#): "Sent a letter to the EPA expressing my concerns over the dismissal of members of

the Board of Scientific Counselors... It's critical that the EPA continues to use the highest quality research when making policy decisions."

@Heritage: "Conservatives should be excited about the new @EPA agenda. bit.ly/2qKfqyb"

@AGRutledge: "I have a duty on behalf of Arkansans to provide a list of regulations to the EPA that should be rolled back. [#arpx](https://www.arkansasag.gov/media-center/n...) | [arkansasag.gov/media-center/n...](https://www.arkansasag.gov/media-center/n...)"

@AGRutledge: "The EPA has a unique opportunity to evaluate its regulatory programs and identify what is working and not working. [arkansasag.gov/media-center/n...](https://www.arkansasag.gov/media-center/n...)"

Sample Print Alert:

Exclusive: Trump EPA Transition Chief Laments Slow Progress In Killing Green Rules

Reuters

By Valerie Volcovici

May 22, 2017

<https://www.reuters.com/article/us-usa-trump-ebell-exclusive-idUSKBN18I196>

The man who led President Donald Trump's transition team for the U.S. Environmental Protection Agency, Myron Ebell, told a conservative conference last month that the new administration is moving too slowly to unravel climate change regulations.

In closed-door remarks to members of the conservative Jefferson Institute in Virginia on April 18, a recording of which was obtained by Reuters, Ebell said Trump's administration had made a series of missteps, including delays in appointing key EPA officials, that could hamper efforts to cut red tape for industry.

"This is an impending disaster for the Trump administration," Ebell, a prominent climate change doubter, said in the recording provided to the Center for Media and Democracy and shared with Reuters.

Ebell was chosen by Trump's campaign to lead the EPA's transition until the Jan. 20 inauguration, a choice that had reinforced expectations Trump would follow through on promises to rescind Obama-era green rules and pull the United States out of a global pact to fight climate change.

Ebell had been seen as a candidate for the EPA administrator job, a post that ultimately went to former Oklahoma Attorney General Scott Pruitt.

Ebell no longer works at the agency but remains influential within a faction of the U.S. conservative movement with ties to the Trump administration. His criticism reflects a broader disappointment by some conservatives about Pruitt's focus and commitment to scrapping even more complex Obama-era regulations.

Since taking office, Trump and Pruitt have moved to unwind environmental regulations, including former President Barack Obama's Clean Power Plan to reduce carbon emissions from electricity generators.

But his administration has frustrated some conservatives by entertaining the idea of remaining in the Paris Climate Agreement, and hesitating to tackle the Obama-era "endangerment finding" that concludes carbon dioxide is a public health threat and underlies many U.S. regulations governing emissions. Lawyers have said challenging that scientific finding could be time consuming and legally complex.

Pruitt has said he does not want the United States to remain in the Paris agreement but he has not yet decided to tackle the endangerment finding. At least three conservative groups have filed petitions asking the EPA to overturn the finding.

"Paris and the endangerment finding are the two big outstanding issues. It's the first wave of things that are necessary to turn this country around, particularly in the heartland states," Ebell said at the conference.

Ebell cited the slow pace of key EPA appointments, including deputy administrator and various assistant administrators, a lack of experienced personnel at the White House, deep ideological divisions between the president's close advisers, and an "imperfect choice" of EPA administrator, as the main reasons Trump was not acting more aggressively on climate rules.

He said Trump strategists should have allowed his transition team to roll out the full de-regulatory agenda before Trump took office, instead of delaying. "The new president doesn't have long before inertia sets in," he said.

He also found fault in Trump's choice of Pruitt to run the EPA, saying the former state attorney is a "clever lawyer" but his "political ambition" may distract him from taking-on time-consuming efforts like challenging the endangerment finding.

A spokesman for Pruitt responded to Ebell's assertions, saying Pruitt had been implementing Trump's executive orders and had spearheaded "about two dozen regulatory reform actions" since taking up his position.

Ebell also faulted Trump for choosing advisers with broadly different political perspectives and backgrounds - something he said was triggering paralyzing debate, instead of action.

"He's got people on different sides and they are all fighting over who gets these jobs and nobody has the clout except the president to say, 'Hey fix this, let's get this done,'" Ebell said.

In a statement given to Reuters on Saturday, Ebell said he is still concerned about the White House log-jam in nominating people for key EPA posts and the delay in making the Paris decision.

But he said he supports Pruitt as an administrator and is encouraged by his recent actions.

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A White House official did not respond to a request for comment.

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Administrator Pruitt Discusses Plans And Leadership For The Environmental Protection Agency

Fox & Friends

May 17, 2017

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Steve: Good morning to you.

Administrator Pruitt: Good morning. Good to be back with you.

Steve: the press made President Obama out to be the environmental savior. And yet, when you look at the number of toxic dumps left on your plate, it's a big number.

Administrator Pruitt: Absolutely. in fact, Ainsley, you said these fights across the country have some of the uranium and lead, posing great risk to the citizens in those areas. And examples where the E.P.A. didn't take any steps at all. We have a site outside of St. Louis called Westlake that's taken the E.P.A. 27 years just to make a decision. Not clean it up, but to make a decision on what should be done to clean it up.

Steve: That crosses both Democrat and Republican administrations.

Administrator Pruitt: Absolutely, and I think when you look at the environmental left they look at the past administration as an environmental savior. When you look at areas of contaminant in this country that don't meet the air quality standards, almost 40% of the country that qualify there. 120 million people. We had Gold King in Colorado. Flint in Michigan with water. The super fund sites across the country. the area that they focused on, the C02 reductions they struck out twice on as far as regulations. The supreme court struck them down twice.

Ainsley: What does this mean for the folks that are watching this? Does this mean can you get cancer if you are exposed to all of this?

Administrator Pruitt: Possibly, yes. And that's why it's so important to focus the core of the mission on those areas. This president is a doer, an action oriented leader. the past administration talked a lot. this administration is actually taking steps to do things to clean up the environment. We're focusing on those areas you mentioned.

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Ainsley: Mr. Pruitt, we are talking about memos and what's happening in the white house. this is what the American public really needs to be focused on

Steve: our personal safety.

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Marianne Lavelle And Georgina Gustin, "Trump Budget Would Wallop EPA's Climate And Environment Programs", [Inside Climate News](#), 5/20/17

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Administrator Pruitt: Absolutely. in fact, Ainsley, you said these fights across the country have some of the uranium and lead, posing great risk to the citizens in those areas. And examples where the E.P.A. didn't take any steps at all. We have a site outside of St. Louis called Westlake that's taken the E.P.A. 27 years just to make a decision. Not clean it up, but to make a decision on what should be done to clean it up.

Steve: That crosses both Democrat and Republican administrations.

Administrator Pruitt: Absolutely, and I think when you look at the environmental left they look at the past administration as an environmental savior. When you look at areas of contaminant in this country that don't meet the air quality standards, almost 40% of the country that qualify there. 120 million people. We had Gold King in Colorado. Flint in Michigan with water. The super fund sites across the country. the area that they focused on, the CO2 reductions they struck out twice on as far as regulations. The supreme court struck them down twice.

Ainsley: What does this mean for the folks that are watching this? Does this mean can you get cancer if you are exposed to all of this?

Administrator Pruitt: Possibly, yes. And that's why it's so important to focus the core of the mission on those areas. This president is a doer, an action oriented leader. the past administration talked a lot. this administration is actually taking steps to do things to clean up the environment. We're focusing on those areas you mentioned.

Brian: super fund sites that need to be cleaned up. What's your first target?

Administrator Pruitt: We are very focused on Westlake. I was in East Chicago about three weeks ago. a site that has lead as well.

Brian: do you know how to do it?

Administrator Pruitt: We have a plan in place that we're going to announce very soon on Westlake. So it's very important to make those citizens know we are going to take steps to clean up and clean it up quickly.

Ainsley: Mr. Pruitt, we are talking about memos and what's happening in the white house. this is what the American public really needs to be focused on

Steve: our personal safety.

Ainsley: protecting our kids from cancer.

Administrator Pruitt: They want leadership. and this president is providing leadership it in so many areas, and it gets lost in Washington, D.C. malaise in all these areas.

Steve: provide leadership to do what with the environment."

Administrator Pruitt: Clean up these sites. set a goal and say 1322 sites unacceptable. 27 years to make a decision is unacceptable. Let's get St. Louis cleaned up.

Steve: how much is it going to cost?

Administrator Pruitt: The great thing about this is we have private funding. There are people out there responsible for these sites to clean up. There is money out there to do so. it's not a matter of money. it's a matter of leadership and attitude and management. we need to do it much better.

brian: when are you going to make a decision on leaving and staying in paril, the paris agreement.

Administrator Pruitt: I think when the president gets back from the G7. I'm actually attending the G7 in early June as well and there will be a decision on Paris. Very important we make decisions there soon.

Brian: it will be one of the big top topics.

Brian: Great to see you.



Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract¹ ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."² While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,³ I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.⁴ According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".⁵

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.⁶ However, in a news article,

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

² *Id.*

³ Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

⁴ EPA Award, *supra* note 1.

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

⁶ EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”⁷ This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”⁸ which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.⁹ I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.¹⁰ Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut¹¹—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”¹² Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

⁷ Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

⁸ *See id.*

⁹ Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

¹⁰ *See* <https://americarisingpac.org/>

¹¹ *See* <https://reclaimct.com/about-us/>

¹² *See* <http://arsquared.org/energy/>

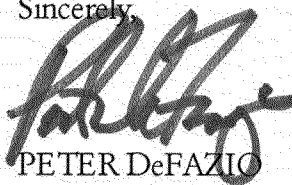
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO
Ranking Member

Congress of the United States
House of Representatives
Washington, D.C. 20515
January 5, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract¹ (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”² The awarding of this contract without full and open competition³ to a company with no apparent experience in providing these services to a Federal agency⁴ is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.⁵ While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.⁶ Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

² *Id.*

³ *Id.*

⁴ Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

⁶ EPA Award, *supra* note 1.

compilation.”⁷ Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”⁸

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,⁹ a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.¹⁰

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

⁷ Devin Henry, *supra* note 5.

⁸ Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

⁹ Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

¹⁰ *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.¹¹ EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

¹¹ Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



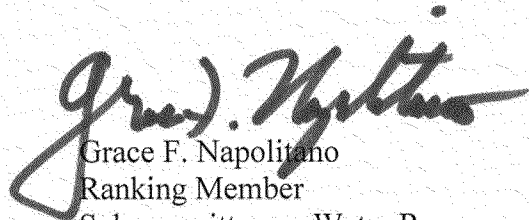
Franks Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Peter DeFazio
Ranking Member
Committee on Transportation
and Infrastructure



Paul D. Tonko
Ranking Member
Subcommittee on Environment
Committee on Energy and Commerce



Grace F. Napolitano
Ranking Member
Subcommittee on Water Resources
and Environment
Committee on Transportation
and Infrastructure



Betty McCollum
Ranking Member
Subcommittee on Interior,
Environment and Related Agencies
Committee on Appropriations

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

² “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

³ “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>


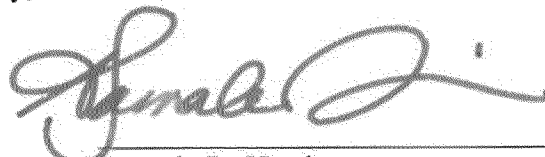
²² “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,


Sheldon Whitehouse
United States Senator
Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

To: Group DDC-Customer[DDC-Customer@epa.gov]; jpounder@definercorp.com[jpounder@definercorp.com];
jcotrone@definercorp.com[jcotrone@definercorp.com]
Cc: Dews, Donna[Dews.Donna@epa.gov]; Scott, Elaine[Scott.Elaïne@epa.gov]
From: Brown, Rayna
Sent: Tue 12/19/2017 8:45:08 PM
Subject: PO_EP18H000025_1_HQ [URGENT]
[PO_EP18H000025_1_HQ.pdf](#)

Contractor: Definercorp
Purchase Order No.: EP-18-H-000025
Purchase Order Modification No.: P00001
Purchase Order Title: News Analysis Service

Subject: Unilateral Modification No. P00001

Please find attached modification P00001 to purchase order no. EP-18-H-000025 in order to cancel/terminate this order in its entirety via a Termination for the Government’s Convenience effective December 19, 2017 and per the Contracting Officer’s (CO’s) conversation with Julia Cotrone with Definercorp this morning. The Contractor shall immediately acknowledge receipt of this modification via email (please **DO NOT** include Group DDC-Customer) upon receipt of this email and correspondence and provide the signed page 2 of 7 to brown.rayna@epa.gov and dews.donna@epa.gov within two (2) business days. Let me know if you have any questions.

Thank you and have a nice day! ☺

Kind regards,

Rayna Brown
Service Center Manager, Contracting Officer
U.S. Environmental Protection Agency (U.S. EPA)
OAM/HPOD/PCSC



Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

January 3, 2018

Mathew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write to request further information on the process for awarding a \$120,000 no-bid contract¹ ("Contract") by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs ("Definers") to provide "news analysis and brief service focusing on EPA work and other topics of interest to EPA."² While I am aware of press reports that EPA and Definers may have agreed to cancel this contract,³ I request this information for Congressional oversight of the process by which EPA provided notice and solicited offers for this work, and identified and awarded Definers the contract for this work.

According to Federal records, on December 7, 2017, EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted for full and open competition.⁴ According to *The Hill*, EPA planned to utilize the company's "Definers Console" which, according to Definers' marketing materials, is a "war room" for "media monitoring/newsclip compilation".⁵

An online summary of the Contract states that it was not submitted to full and open competition, citing an "ONLY ONE SOURCE - OTHER" exception.⁶ However, in a news article,

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017), *available at* <https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C> [hereinafter "EPA Award"].

² *Id.*

³ Eric Lipton and Lisa Friedman, *Consulting Firm Whose Staff Scoured E.P.A. Employees' Emails Loses Media Contract*, New York Times (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/climate/epa-definers-public-affairs-contract.html>.

⁴ EPA Award, *supra* note 1.

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017), <http://thehill.com/policy/energy-environment/365088-epa-inks-120k-contract-with-republican-opposition-research-firm>.

⁶ EPA Award, *supra* note 1.

EPA spokesperson, Nancy Grantham, stated, “When the government seeks to sole-source a contract, notice must be placed on *FedConnect* or *FedBizOps* so other vendors have an opportunity to provide documentation of their ability to provide the services outlined in the contract scope of work... In this case, one additional vendor responded with their qualifications and the media/news clips contract was awarded to Definers.”⁷ This statement from EPA seems to suggest that Definers was not the only company that responded to EPA’s contract solicitation, and that EPA may have received multiple bids from vendors in response to this solicitation and notice.

In the same story, the EPA spokesperson stated that the Definers Contract was “\$87,000 cheaper than our previous media monitoring vendor,”⁸ which, again, suggests that other companies were potentially available to provide similar services.

I also request further information on your personal involvement, or the involvement of the political staff of EPA, in the identification of Definers as a potential candidate for the Contract. I am aware that your Senior Communications Advisor worked with two current Definers staff during the Rubio for President Campaign.⁹ I am also well aware that several Definers staff are previous founders, leaders, and employees of the American Rising PAC, a political video tracking firm that targets Democratic candidates for elected office.¹⁰ Similarly, several current Definers staff also hold positions with other political organizations, such as America Rising Squared or Reclaim Connecticut¹¹—both organizations that appear to target the “Environmentalism Left... and exposing their extreme rhetoric and agenda.”¹² Yet, while the staff of Definers have a partisan reputation and history of campaign work for Republican causes, I see no evidence that Definers has any prior experience in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the contract.

The only EPA-related experience I could uncover by Definers staff is the reported “witch hunt against EPA employees” alleged to have expressed concerns about the agency or its leadership. According to *The New York Times*, a Senior Vice President of Definers, Allan Blutstein, has made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who, Mr. Blutstein alleges, have raised concerns about the ability of the agency to meet its statutory missions of protection of human health and the environment. In only a cursory look at *FOIAonline*, in calendar year 2017, Mr. Blutstein made 25 FOIA requests of EPA on behalf of America Rising—20 of which specifically target the individual emails of EPA staff to various news organizations or Congressional offices. While the specific intentions of Mr. Blutstein are not known, the fact that you were willing to hire a company that would personally and publically target your employees for potential harassment portends a type of personnel management taken right out of George Orwell’s *1984*.

⁷ Kevin Bogardus, *Agency signs Republican PR firm to \$120K contract*, Greenwire (Dec. 15, 2017), <https://www.eenews.net/greenwire/2017/12/15/stories/1060069191>.

⁸ *See id.*

⁹ Cf. <https://www.linkedin.com/in/jahan-wilcox-ab55477/> with <https://www.linkedin.com/in/joe-pounder-5b5b66b/> and <https://www.linkedin.com/in/mike-chenderlin-319a90106/>.

¹⁰ *See* <https://americarisingpac.org/>

¹¹ *See* <https://reclaimct.com/about-us/>

¹² *See* <http://arsquared.org/energy/>

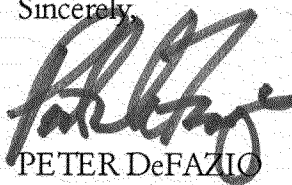
To exercise our Congressional oversight responsibilities, I request additional information related to the awarding of the Contract to Definers. Specifically, I request you provide my office on the Committee on Transportation and Infrastructure with the following information:

1. A copy of the initial public solicitation or notice related to the “news analysis and brief service” work put out for bid, including evidence on the manner in which this solicitation or notice was made publicly available and a timeline on the contract solicitation period;
2. A description of the internal EPA process utilized to publicly notice and solicit offers for this work and to identify and award the contract for this work, including the identity of EPA staff (including political staff) that participated in this process;
3. A copy of all formal contract responses or other indications of interest to this solicitation or notice from prospective companies seeking to bid on this work;
4. A copy of all internal EPA emails, EPA communications, or other deliberative materials related to Definers, current Definers staff, or the Contract;
5. A description of the prior experience of Definers in providing “news analysis and brief service focusing on EPA work and other topics of interest to EPA”, as required by the Contract;
6. A copy of the final Contract with Definers; and
7. A copy of the contract between EPA and any company that provided similar media monitoring services to the agency *immediately prior* to the awarding of the Contract with Definers (press reports indicate that this contract was with a company called Bulletin Intelligence, LLC).

If you have any questions regarding this request, please have your staff contact the Democratic Staff of the Subcommittee on Water Resources and Environment at (202) 225-0060.

Thank you for your prompt attention to this matter.

Sincerely,



PETER DeFAZIO
Ranking Member

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

² “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

³ “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

²² “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

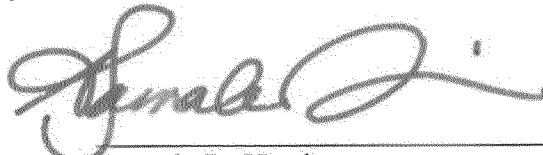
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

To: Scott Cotter[scotter@definerscorp.com]
Cc: Dews, Donna[Dews.Donna@epa.gov]; Joe Pounder[jpounder@definerscorp.com]; Julia Cotrone[jcotrone@definerscorp.com]
From: Scott, Elaine
Sent: Tue 12/12/2017 4:20:51 PM
Subject: RE: Contract awarded 12/7/17

Thank you Scott. The original award had this period of performance therefore no additional modification to the award is needed at this time. Work may begin.

Thank you to everyone for getting this procurement completed.

Elaine Scott,

From: Scott Cotter [mailto:scotter@definerscorp.com]
Sent: Tuesday, December 12, 2017 11:02 AM
To: Scott, Elaine <Scott.Elaine@epa.gov>
Cc: Dews, Donna <Dews.Donna@epa.gov>; Joe Pounder <jpounder@definerscorp.com>; Julia Cotrone <jcotrone@definerscorp.com>
Subject: Fwd: Contract awarded 12/7/17

Hi Elaine,

Please find attached the revised estimate reflecting the 12/7 start date.

Let me know if you need anything else at this time.
Kindest regards.
Scott

----- Forwarded message -----
From: **Scott, Elaine** <Scott.Elaine@epa.gov>
Date: Tue, Dec 12, 2017 at 8:37 AM
Subject: RE: Contract awarded 12/7/17
To: Julia Cotrone <jcotrone@definerscorp.com>, "Dews, Donna" <Dews.Donna@epa.gov>
Cc: "jpounder@definerscorp.com" <jpounder@definerscorp.com>, "Wilson, Jessica" <Wilson.Jessica@epa.gov>

Good Morning All,

If there is going to be a change in the Period of Performance (POP), no work should transpire between either Definers or EPA until such time the contract is modified to correct the POP. A quote with the correct POP on it is needed as well.

Thank you all,

Elaine Scott

From: Julia Cotrone [mailto:jcotrone@definerscorp.com]
Sent: Monday, December 11, 2017 3:34 PM
To: Dews, Donna <Dews.Donna@epa.gov>
Cc: jpounder@definerscorp.com; Scott, Elaine <Scott.Elaine@epa.gov>; Wilson, Jessica <Wilson.Jessica@epa.gov>
Subject: Re: Contract awarded 12/7/17

Hi Donna,

Im working with Michael and Nancy to figure out when they will be able to send us the relevant information to get the project started. Most importantly when they will be able to send us the names of the folks who need to receive the clips. We could start as ASAP but right now we would have no one to send the clips to. As soon as we know when they will be able to send us that info well update the cost estimate to reflect that date.

Thanks!

--

Scott Cotter
COO/CFO
Definers Corp
1500 Wilson Blvd.
5th Floor
Arlington, VA 22209
scotter@definerscorp.com
410-615-8409

To: Scott, Elaine[Scott.Elaïne@epa.gov]
Cc: Dews, Donna[Dews.Donna@epa.gov]; Joe Pounder[jpounder@definercorp.com]; Julia Cotrone[jcotrone@definercorp.com]
From: Scott Cotter
Sent: Tue 12/12/2017 4:02:18 PM
Subject: Fwd: Contract awarded 12/7/17
[Estimate 1001 from Definers Corp.pdf](#)

Hi Elaine,

Please find attached the revised estimate reflecting the 12/7 start date.

Let me know if you need anything else at this time.

Kindest regards.

Scott

----- Forwarded message -----

From: **Scott, Elaine** <Scott.Elaïne@epa.gov>
Date: Tue, Dec 12, 2017 at 8:37 AM
Subject: RE: Contract awarded 12/7/17
To: Julia Cotrone <jcotrone@definercorp.com>, "Dews, Donna" <Dews.Donna@epa.gov>
Cc: "jpounder@definercorp.com" <jpounder@definercorp.com>, "Wilson, Jessica" <Wilson.Jessica@epa.gov>

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Thank you all,

Elaine Scott

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To: Dews, Donna <Dews.Donna@epa.gov>
Cc: jpounder@definercorp.com; Scott, Elaine <Scott.Elaïne@epa.gov>; Wilson, Jessica <Wilson.Jessica@epa.gov>
Subject: Re: Contract awarded 12/7/17

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We could start as ASAP but right now we would have no one to send the clips to. As soon as we know when they will be able to send us that info well update the cost estimate to reflect that date.

Thanks!

--

Scott Cotter
COO/CFO
Definers Corp
1500 Wilson Blvd.
5th Floor
Arlington, VA 22209
scotter@definerscorp.com
410-615-8409

To: Julia Cotrone[jcotrone@definerscorp.com]; Dews, Donna[Dews.Donna@epa.gov]
Cc: jpounder@definerscorp.com[jpounder@definerscorp.com]; Wilson, Jessica[Wilson.Jessica@epa.gov]
From: Scott, Elaine
Sent: Tue 12/12/2017 1:37:57 PM
Subject: RE: Contract awarded 12/7/17

Good Morning All,

If there is going to be a change in the Period of Performance (POP), no work should transpire between either Definers or EPA until such time the contract is modified to correct the POP. A quote with the correct POP on it is needed as well.

Thank you all,

Elaine Scott

From: Julia Cotrone [mailto:jcotrone@definerscorp.com]
Sent: Monday, December 11, 2017 3:34 PM
To: Dews, Donna <Dews.Donna@epa.gov>
Cc: jpounder@definerscorp.com; Scott, Elaine <Scott.Elaine@epa.gov>; Wilson, Jessica <Wilson.Jessica@epa.gov>
Subject: Re: Contract awarded 12/7/17

Hi Donna,

Im working with Michael and Nancy to figure out when they will be able to send us the relevant information to get the project started. Most importantly when they will be able to send us the names of the folks who need to receive the clips. We could start as ASAP but right now we would have no one to send the clips to. As soon as we know when they will be able to send us that info well update the cost estimate to reflect that date.

Thanks!

To: Dews, Donna[Dews.Donna@epa.gov]
From: OAM Service Desk
Sent: Thur 12/7/2017 6:22:20 PM
Subject: {TID:154531} Ticket # 154531 - Add Vendor from SAM - DEFINERS CORP

Ticket changes:

New Ticket

Subject: Add Vendor from SAM - DEFINERS CORP

Donna requested that vendor DEFINERS CORP (DUNS 076234313) be added to EAS. I verified that the vendor was not in EAS, then added them from SAM.

Comments By: KARENNA GENZLINGER

This comment contains no attachments

[View ticket](#)

From: Dews, Donna
Location: Rayna's Office
Importance: Normal
Subject: New Time Proposed: Discuss Multiple FOIA Requests and Extension for Definers, Inc.
Start Time: Tue 1/16/2018 7:20:00 PM
End Time: Tue 1/16/2018 7:35:00 PM
Required Attendees: Brown, Rayna

To: Brown, Rayna[brown.rayna@epa.gov]
From: Dews, Donna
Sent: Thur 1/11/2018 7:03:19 PM
Subject: Bilateral Modification re:Definers

Rayna

I have routed the modification to you for review. After your review, will you distribute to Definer's? or Shall I. Thank you.

Donna Dews
USEPA/OARM/OAM/HPOD/PCSC
202-564-6752 (DIRECT)

To: Ben Kessler[ben.kessler@meltwater.com]
Cc: Wilson, Jessica[Wilson.Jessica@epa.gov]; Plater, Lottie[Plater.Lottie@epa.gov]; Brown, Rayna[brown.rayna@epa.gov]
From: Dews, Donna
Sent: Mon 12/11/2017 7:49:26 PM
Subject: NOTICE WITH ATTACHMENT
[JOFOC 11-29-17 -PR-OA-17-00132-Notice.pdf](#)
[NOTICE 68HE0H18B0002.pdf](#)

Donna Dews
Contract Specialist
US Environmental Protection Agency
Office of Acquisition Management
HPOD/Program Contract Service Center
Washington, DC 20460
202-564-6752 (DIRECT)
Dews.donna@epa.gov

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c), FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Office of Acquisition Management - Headquarters
Procurement Operations Division
Contractor: Definers Corp

2. **Nature and/or description of the action:**

EPA's Office of Public Affairs (OPA) is responsible for working with media to provide the public with timely, coherent information on environmental issues, and EPA actions and policies. Whether providing the media with press announcements, responding to media inquiries, or reacting to published stories, OPA works to achieve articles that accurately represent EPA's perspective. In order to accomplish this goal, OPA must constantly monitor media coverage and respond to inaccurate or incomplete stories. OPA may choose a number of methods to address these stories, including contacting reporters and editors to request corrections. OPA's ability to successfully address inaccurate or incomplete stories before the stories influence other reporters or are widely read is largely dependent on its ability to identify those stories shortly after publication, and OPA requires contractor support in order to do so.

3. **Description of the Supplies or Services:**

This is a sole source procurement subscription for a media support service. The service provides EPA with: 1) Intensive, near live-time "war room" coverage of media stories for specific topics, events or announcements; 2) access to a searchable database of past media content on EPA issues and topics; 3) a twice-daily compilation of news articles delivered once each business day by e-mail; and 4) high profile, breaking news stories during the day, delivered by e-mail. This service is vital to support the ability of EPA's Office of Public Affairs to fully monitor and respond quickly to breaking media coverage, which in turn supports EPA's ability to accurately provide information to the public on environmental and regulatory matters. This service also directly supports the Administrator and other senior EPA officials by providing them with timely updates on media stories.

Period of performance: One year from date of contract award

4. **Authority:** [Check appropriate exception.]

[X] Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

5. **Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:**

Definers offers a customizable and proprietary Console which brings together cutting-edge technology and human analysis to provide real-time actionable intelligence based on the most relevant information. It allows organizations to have a holistic view of what is occurring in the public domain with regards to their organization and relevant sectors, both domestically and globally.

Through the Console, Definers is able to revolutionize the utilization of media clips by implementing:

- Proprietary advanced search functions
- Standalone media clip database including perpetual retention so that information is always available regardless of email retention policies or other limitations of email platforms
- Ability to pre-load a customized Console with the issues, public figures, and news data relevant to customers, populated in real time
- Specially trained and experienced researchers to provide relevant and actionable analysis
- Digital and human analytics coverage throughout the day
- Media tags that are tailored to the customer's areas of interests, which allow for quick sorting and tracking of customized data streams.
- Delivered through a proprietary web interface which allows for email distribution as well.

6. Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:

A JOFOC and RFI notice will be posted on FedBizOpps (synopsized) and FedConnect for five calendar days.

7. The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.

Yes, the CO has determined the cost to be fair and reasonable based on information received from the contractor.

8. Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:

Leading providers Cision (www.cision.com) Bulletin Intelligence (www.bulletinintelligence.com) and Critical Mention (www.criticalmention.com) do not provide the combined service sought by EPA's Office of Public Affairs.

9. Other facts supporting the use of other than full and open competition.

Definers Corp. states that no other service gives their clients the high level and comprehensive search function that it offers through its customized Console. Clients have the ability to tailor their tags and tailor who from their teams sees those tags. The storage and search functions of the Console are something no other clip service provides because they do not have the Definers proprietary Console.

SOLICITATION/CONTRACT/ORDER FORM - COMMERCIAL ITEMS		1. REQUISITION NUMBER PR-OA-17-0013.		PAGE OF 1 2	
2. CONTRACT NO.		3. AWARD/EFFECTIVE DATE		4. ORDER NUMBER	
				5. SOLICITATION NUMBER 68HE0H18B0002	
				6. SOLICITATION ISSUE DATE	
7. FOR SOLICITATION INFORMATION CALL:		a. NAME Donna Dews		b. TELEPHONE NUMBER (No collect calls) 202-564-6752	
				8. OFFER DUE DATE/LOCAL TIME 1700 ET	
9. ISSUED BY		CODE HPD		10. THIS ACQUISITION IS: <input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: % FOR:	
HPD US Environmental Protection Agency William Jefferson Clinton Building 1200 Pennsylvania Avenue, N. W. Mail Code: 3803R Washington DC 20460		<input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS		WOMEN-OWNED SMALL BUSINESS <input type="checkbox"/> (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM <input type="checkbox"/> EDWOSB <input type="checkbox"/> 8(A) NAICS: SIZE STANDARD:	
11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE		12. DISCOUNT TERMS		13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)	
				13b. RATING	
				14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP	
15. DELIVER TO		CODE HPD		16. ADMINISTERED BY	
HPD US Environmental Protection Agency William Jefferson Clinton Building 1200 Pennsylvania Avenue, N. W. Mail Code: 3803R Washington DC 20460				HPD US Environmental Protection Agency William Jefferson Clinton Building 1200 Pennsylvania Avenue, N. W. Mail Code: 3803R Washington DC 20460	
17a. CONTRACTOR/OFFEROR		CODE		18a. PAYMENT WILL BE MADE BY	
				CODE HPD	
TELEPHONE NO.				18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM	
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER					
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES		21. QUANTITY	22. UNIT	23. UNIT PRICE
	The is a sole source procurement for News Analysis/Media support for EPA. Definiers, Corp is intended Awardee located at 1500 Wilson Blvd., #5, Arlington, VA 22209 Phone: 571 290-5460. Attached is Justification for Other than Full and Open Competition. Please provide capability statement and/or before Thursday 12/7/17 at 12 noon. Thank you.				
0001	This is a sole source procurement for News Continued ... (Use Reverse and/or Attach Additional Sheets as Necessary)				
25. ACCOUNTING AND APPROPRIATION DATA			26. TOTAL AWARD AMOUNT (For Govt. Use Only)		
27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA			<input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.		
27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4, FAR 52.212-5 IS ATTACHED. ADDENDA			<input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.		
28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED.			29. AWARD OF CONTRACT: OFFER DATED: YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS.		
30. SIGNATURE OF OFFEROR/CONTRACTOR			31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)		
30b. NAME AND TITLE OF SIGNER (Type or print)		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (Type or print)	
				Jody Gosnell	
31c. DATE SIGNED					

THORIZED FOR LOCAL REPRODUCTION
EVIOUS EDITION IS NOT USABLE

STANDARD FORM 1449 (REV. 2/2012)
Prescribed by GSA - FAR (48 CFR) 53.212

19. ITEM NO.	SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	analysis and brief service focusing on EPA work and other topics of interest to EPA. Definers Corp., is the intended awardee located at 1500 Wilson Blvd., Arlington, VA Phone 571-290-5461. Attached is the JOFOD. Please provide capability statement and/or before Thursday 12/7/17 before noon.				

32a. QUANTITY IN COLUMN 21 HAS BEEN:

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: _____

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32c. DATE	32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE			32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
			32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
33. SHIP NUMBER	34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR	36. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	37. CHECK NUMBER
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL				
38. S/R ACCOUNT NUMBER	39. S/R VOUCHER NUMBER	40. PAID BY		
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT			42a. RECEIVED BY (Print)	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE	42b. RECEIVED AT (Location)	
			42c. DATE REC'D (YY/MM/DD)	42d. TOTAL CONTAINERS

To: Julia Cotrone[jcotrone@definercorp.com]; Quarles, Michael[Quarles.Michael@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Group DDC-Customer[DDC-Customer@epa.gov]; Wilson, Jessica[Wilson.Jessica@epa.gov]; Scott, Elaine[Scott.Elaine@epa.gov]; Plater, Lottie[Plater.Lottie@epa.gov]
From: Dews, Donna
Sent: Thur 12/7/2017 10:43:57 PM
Subject: Distribution of EP-18-H-000025 - A more legible copy
[EP-18-H-000025 Purchase order.pdf](#)
[Clauses EP-18-H-000025.pdf](#)

Oops!!!Here is a better copy.

The attached is for award. Thanks so much!!!

Donna Dews
Contract Specialist
US Environmental Protection Agency
Office of Acquisition Management
HPOD/Program Contract Service Center
Washington, DC 20460
202-564-6752 (DIRECT)
Dews.donna@epa.gov

Cc: Wilson, Jessica[Wilson.Jessica@epa.gov]; Stewart, Keith[Stewart.Keith@epa.gov]; Plater, Lottie[Plater.Lottie@epa.gov]; Quarles, Michael[Quarles.Michael@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
To: Group DDC-Customer[DDC-Customer@epa.gov]; Julia Cotrone[jcotrone@definercorp.com]; jpounder@definercorp.com[jpounder@definercorp.com]
From: Dews, Donna
Sent: Thur 12/7/2017 10:28:15 PM
Subject: Distribution of EP-18-H-000025
[EP-18-H-000025 12-7-17.pdf](#)

Please process award attached. Thank you.

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

² “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

³ “How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas,” *The New York Times*, <https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html>; “Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers,” *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>

²² “FRACTURED: Undermining Broomfield,” *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

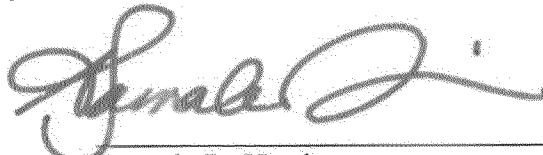
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



Sheldon Whitehouse
United States Senator



Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

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⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

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have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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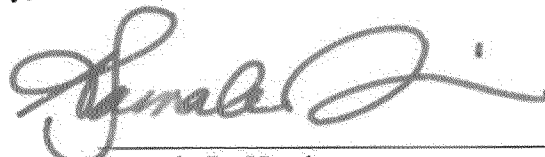
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10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,


Sheldon Whitehouse
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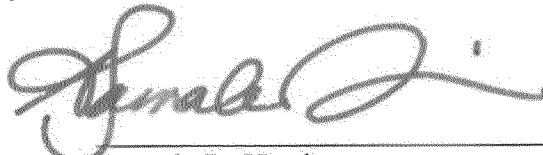
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Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



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What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

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Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

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As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

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1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
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4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

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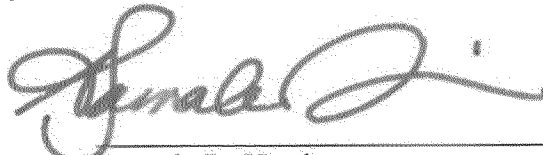
10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,



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United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

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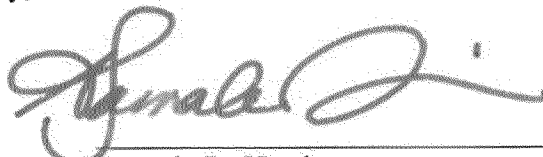
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Sincerely,



Sheldon Whitehouse
United States Senator



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United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

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⁴ “Political Operatives Find Demand for Their Skills in Business World,” *The Wall Street Journal*, <https://www.wsj.com/articles/political-operatives-find-demand-for-their-skills-in-business-world-1462136874>

⁵ America Rising, <https://americarisingpac.org/about-us/>

⁶ America Rising PAC Expenditures (2018), Open Secrets.org, <https://www.opensecrets.org/pacs/expenditures.php?cmte=C00542902&cycle=2018>

⁷ Matt Rhoades, Definers, <https://www.definersdc.com/matt-rhoades>

⁸ Joe Pounder, Definers, <https://www.definersdc.com/joe-pounder>

⁹ Brian Rogers, Definers, <https://www.definersdc.com/brian-rogers>

have different corporate forms, but we should all be clear that they are merely different parts of the same multi-faceted partisan operation. Any claim they are distinct is a sham.

What's more, America Rising and Definers receive significant funds from interests in the energy sector as well as other industries you regulate as EPA Administrator. While this cabal of Republican opposition research and electioneering organizations can raise much of its money anonymously so that the identities of many of its donors are unknown to the public, press reports about Definers' work and Federal Election Commission (FEC) disclosures from the America Rising PAC make it abundantly clear that companies you regulate are driving much of its work. Definers was hired by fossil fuel interests to work on opposing a local ballot initiative in Colorado that would have placed conditions on oil and gas drilling.¹⁰ America Rising has received sizeable donations from several companies and individuals affiliated with the energy industry, including Hilcorp Energy, L.E. Simmons of SCF Partners, and Jonathon Barrett of Luminus Management LLC. It has also received donations from companies and individuals in other industries regulated by EPA, including Susan Groff of Northwest Excavating, William Kunkler of CC Industries (manufacturing), George Daniels of Daniels Manufacturing, and Jerry Langer of Langer Transport.¹¹

Many of these same corporate interests vocally supported your nomination and confirmation as EPA Administrator. America Rising even ran a campaign in support of your confirmation as EPA Administrator which included ads urging senators to vote for your confirmation and the website, www.ConfirmPruitt.com.¹² At your confirmation hearing, Senator Whitehouse asked you the following question for the record, which has renewed relevance in light of recent events:

Q 138. Please provide any correspondence or details about other communication between you or anyone working on your behalf concerning the establishment or activities of America Rising, America Rising Squared, and Protecting America Now, and any other organizations that are funding efforts to get you confirmed as EPA Administrator.

A. I am not aware of any such correspondence.

Your response was dubious then, and is even more dubious now.

The America Rising-Definers network has been no less active on your behalf following your confirmation than it was before, even putting aside this recent contract. The aforementioned Joe Pounder, president of Definers *and* America Rising, wears yet another hat in this constellation of interconnected partisan groups: he runs a website called the Need to Know Network (NTK) that has provided favorable coverage of your tenure at EPA.¹³ EPA's official Twitter account has even on several occasions tweeted NTK's coverage of your work at EPA.

¹⁰ "FRACTURED: Undermining Broomfield," *The Colorado Independent*, <http://www.coloradoindependent.com/167431/fractured-undermining-broomfield>

¹¹ America Rising PAC Contributors (2016), Open Secrets.org, <https://www.opensecrets.org/pacs/pacgave2.php?cmte=C00542902&cycle=2016>

¹² "Conservatives target red-state Democrats to speed Trump's nominations," *Politico*, <https://www.politico.com/story/2016/12/trump-nominations-red-state-democrats-232890>

¹³ "Scott Pruitt's media echo chamber," *Grist*, <http://grist.org/article/scott-pruitts-media-echo-chamber/>

As if all this weren't enough, Definers has filed several Freedom of Information Act (FOIA) requests with EPA relating to work EPA was doing under the previous administration with respect to the treatment of wood.¹⁴ It would appear that Definers is working for a corporate client that has business before EPA relating to this matter. America Rising has also filed several FOIA requests with EPA.¹⁵ These requests were filed by the same person who filed the FOIA requests for Definers; this person works at both Definers and America Rising.¹⁶ America Rising's FOIA requests seek to obtain emails from specific EPA employees and/or correspondence between specific EPA employees and various media outlets as well as the staffs of Senators Sheldon Whitehouse, Tom Carper, Elizabeth Warren, and Robert Casey in an apparent effort to uncover "moles" within EPA.

The *New York Times* has recently documented how EPA enforcement has fallen off significantly during your tenure.¹⁷ Senators Carper and Whitehouse last week raised concerns that you have changed agency policy to give regulated industries an unprecedented seat at the table in negotiations to settle lawsuits where EPA is charged with failing to follow through on its statutory commitments to enforce the Clean Air Act and other environmental laws. Hiring a public relations firm with abundant ties to industries you regulate, which is itself part of a broader network of groups active on behalf of you and fossil fuel interests, suggests that you have handed industry the keys to EPA.

None of this can come as a surprise to you. In 2015, America Rising paid to attend the Republican Attorneys General Association (RAGA) annual summit at which you spoke.¹⁸ You led RAGA for two years, where you worked through RAGA to attack EPA during the Obama administration.

Your representatives have claimed that EPA's contract with Definers is for "media monitoring/newsclip compilation"¹⁹ and that it was retained "at a rate that is \$87,000 cheaper than our previous vendor and they are providing no other services."²⁰ All of the above information about Definers, its activities, clients, and role within a much larger ecosystem of partisan, industry-funded operations research and electioneering groups casts significant doubt on these statements.

In light of the above and in order to shed light on EPA's decision to award this contract, we are asking that you provide the following documents and responses by Thursday, December 21.

¹⁴ EPA Pending FOIA Requests, https://www.epa.gov/sites/production/files/2017-09/documents/all_pending_report_20170831.pdf

¹⁵ *Id.*

¹⁶ Allan Blutstein, Definers, <https://www.definersdc.com/allan-blutstein>

¹⁷ "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers," *The New York Times*, <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

¹⁸ "To Fight Clean Power Plan, Fossil Fuel Companies Paid for Private Meetings with Republican State Prosecutors," DeSmogBlog, <https://www.desmogblog.com/2016/09/07/fight-clean-power-plan-fossil-fuel-companies-paid-private-meetings-republican-state-prosecutors>

¹⁹ "The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity," *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

²⁰ "E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials," *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

1. Provide copies of all documents related to the procurement of services with Definers as well as the contract EPA concluded with Definers for these services.
2. What provision of the Federal Acquisition Regulation (FAR) authorized a no-bid contract for the type of services EPA procured from Definers? According to the contract transaction details posted on the [usaspending.gov](https://www.usaspending.gov) website, the reason not to put this contract out to bid was that there was “only one source – other.”²¹ Please explain what this means when in fact there are many firms that offer the services for which EPA contracted with Definers, including the firm that previously did that work.
3. Provide copies of all communications between EPA and Definers, America Rising, America Rising Squared, NTK, and any employees and representatives of these entities since February 17, 2017.
4. Confirm that all communications you or any EPA employee have had with any person in question 3, regardless of the form of communication used, have been retained by EPA and searched in response to this inquiry.
5. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent for “publicity or propaganda” or a “prepackaged news story” in violation of sections 715, 718 or 731 of division E of the Consolidated Appropriations Act, 2017.
6. Provide communications or documentation to establish that no EPA funds paid to Definers or any affiliated group have been spent with the intent or the reasonable expectation that the funds would be used to make a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication in violation of section 735 of division E of the Consolidated Appropriations Act, 2017.
7. Provide all communications between EPA and the Definers – America Rising network as to and regulated entities that are also clients of or donors to Definers – America Rising. Describe and provide all communications related to EPA’s due diligence efforts to determine if any conflicts of interest existed between the agency and regulated entities that are clients of or donors to Definers – America Rising. Provide all communications to or from EPA related to Broomfield, CO, ballot initiative Question 301 this year.²²
8. Provide documentation or, if not available, a narrative description of the processes and procedures in place to ensure no client or funder of Definers-America Rising or any related entity can exert improper influence over EPA enforcement proceedings or litigation.
9. Provide all communications between EPA and the Definers – America Rising – NTK network of affiliated groups relating to EPA employee communications that were requested under FOIA by anyone from the Definers – America Rising – NTK network of affiliated groups. These employees include but are not limited to Natasha Greaves,

²¹ Definers, USA Spending,

<https://www.usaspending.gov/transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>


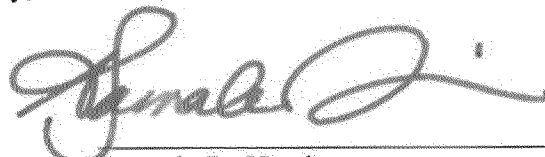
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10. Explain how the facts described above – America Rising’s active financial support of your confirmation as well as your earlier political career, NTK’s favorable press coverage of your tenure at EPA, Definer’s working on behalf of regulated entities, regulated entities funding America Rising’s work – do not constitute a series of conflicts of interest. We would be particularly interested to learn why you believe that scientists who are awarded EPA grant money are conflicted while the Definers – America Rising – NTK network is not.

Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,


Sheldon Whitehouse
United States Senator
Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

United States Senate

WASHINGTON, DC 20510

December 19, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing you to express our concerns about the decision by the Environmental Protection Agency (EPA) to award a \$120,000 no-bid contract for “news analysis” to Definers Public Affairs, as reported this week by *Mother Jones*¹ and the *New York Times*.² EPA’s contract with Definers risks further politicizing the agency and is another instance of EPA under your tenure becoming captured by the industry it regulates.³ At a minimum, it presents an appearance of impropriety to which you as Administrator should never be a party. For the reasons that follow, you should terminate this contract immediately.

Definers shares an address and staff with America Rising, a political action committee (PAC) that has been described as the “unofficial research arm of the Republican party.”⁴ America Rising has branded itself as an organization on the right founded “for the sole purpose of exposing the truth about Democrats through video tracking, research, and communications.”⁵ The group spends its time attacking Democrats, progressives, and environmentalists and lists Definers as one of its largest vendors.⁶ America Rising also operates the 501(c)(4) organization America Rising Squared, a dark money organization whose contributors are anonymous. The leadership teams of America Rising and Definers share numerous individuals. For example, Definers’ founder, Matt Rhoades, also founded America Rising.⁷ Definers’ president, Joe Pounder, is also the president of America Rising.⁸ Definers’ Senior Vice President, Brian Rogers, is also the executive director of America Rising Squared.⁹ These organizations may

¹ “The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity,” *Mother Jones*, <http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>

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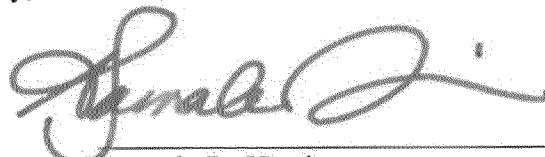
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Michael Mikulka, Lucretia Meyers, Thelma Estrada, Gary Morton, Anthony Tseng, Christopher Grundler, Mike Shapiro, John Reeder, Enesta Jones, Christie St. Clair, Deborah Szaro, Michael Cox, Elizabeth Southerland, and Priscilla Oliver. In an interview with the New York Times, Allan Blutstein, a senior vice president at Definers explained that he sought this information to take aim at “resistance” figures in the federal government and to see if they had done anything useful for Republicans.²³ If any of these individuals have faced adverse personnel actions since February 17, 2017, please explain the nature of the action, the circumstances surrounding the action, and provide any correspondence concerning those individuals between EPA and any person affiliated with the Definers – America Rising – NTK network of affiliated groups.

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Should you have any questions regarding any of the information we are requesting in this letter, please do not hesitate to contact our staffers, Dan Dudis at dan_dudis@whitehouse.senate.gov and Monica Pham at monica_pham@harris.senate.gov. We look forward to your response.

Sincerely,


Sheldon Whitehouse
United States Senator
Kamala D. Harris
United States Senator

²³ “E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials,” *The New York Times*, <https://www.nytimes.com/2017/12/15/us/politics/epa-scott-pruitt-foia.html>

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Greg D'Andrea
Sent: Wed 12/20/2017 2:48:36 PM
Subject: Re: Cision Training

Thanks for this Nancy - I have asked our training team to provide some dates in early January and will get back to you.

Also, I just left you a VM too as I was reading the Washington Post piece regarding the service EPA had from Definers. Not sure if you have any insight into that, but we can certainly talk about Bulletin Intelligence becoming the EPA's vendor again.

Let me know when you have a moment and Happy Holidays!

-Greg

Greg D'Andrea
Account Director
p 203.506.7178
greg.dandrea@cision.com



From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Sunday, December 17, 2017 7:51:01 PM
To: Greg D'Andrea
Cc: Grantham, Nancy
Subject: Re: Cision Training

Sorry for the delay - we would like to do this right after the first of the year and involve our regional offices thx ng

Sent from my iPhone

On Nov 29, 2017, at 11:20 AM, Greg D'Andrea <Greg.DAndrea@cision.com> wrote:

Hi Nancy - hope you had a wonderful Thanksgiving!

I wanted to see if Wednesday December 13th would be a good time to have the Cision training for you and the team?

Let me know!

-Greg

Greg D'Andrea
Account Director
p 203.506.7178
greg.dandrea@cision.com
<Outlook-1499114499.png>

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

January 19, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

Thank you for appearing before the Subcommittee on Environment on December 7, 2017, to testify at the hearing entitled "The Mission of the U.S. Environmental Protection Agency."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, February 2, 2018. Your responses should be mailed to Allie Bury, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Allie.Bury@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

Attachment—Additional Questions for the Record

The Honorable John Shimkus

1. This committee was instrumental in developing the Electronic Hazardous Waste Manifest Act of 2012, which requires EPA to replace the outdated paper documents with a new electronic system for tracking all hazardous waste shipments.
 - a. What are some of the other ways the hazardous waste program could be improved, particularly in terms of the elimination of duplicative and unnecessary regulations?
 - b. Is EPA pursuing any of these efforts?
2. The previous Administration attempted to regulate farms and agricultural processors by saying that its 2009 Endangerment Finding regulated “biogenic” CO2 from agricultural crops. I understand The Endangerment Finding, however, never mentions the word “biogenic.”
 - a. Do you intend to look at this interpretation of the Endangerment Finding?
 - b. If so, would you view it in terms of whether EPA overreached to regulate natural CO2 from U.S. farms?
3. On October 17, 2017, EPA's Air Enforcement Division sent a letter to the Ozone Transport Commission stating that the agency "agrees that the 1986 policy on aftermarket catalytic converter emissions is outdated."
 - a. What steps are being taken to update this policy?
 - b. Does the Agency have a timeline for this process?
4. There has been concern that EPA’s regional offices enforce their authority differently from each other and Headquarters guidance. Do you intend to bring alignment among EPA Headquarters and the Regions?
5. The Administration’s budget request zeroed out the funding to the Department of Justice for superfund-related enforcement activities and for cost recovery efforts for the superfund program. If the goal is to get more sites cleaned up and to speed up cleanups, that seems like an odd budget request since DOJ brings money back into the federal coffers from superfund polluters – can you explain to us why the president's budget request would zero out those funds?

6. On December 1, 2017 EPA issued a decision not to do a final rule regarding financial assurance requirements for the hard rock mining sector. Can you tell us what the status is of the 108(b) rule making for the other industry sectors that are next in line [chemical manufacturing, petroleum and coal products manufacturing, and the electric power generation, transmission, and distribution]?
7. EPA announced that it could be a year before it can start cleanup of the San Jacinto River Waste Pits, which sprung a leak during Hurricane Harvey flooding. Is that because EPA officials are in the process of negotiating with responsible parties to pay for the \$115 million project?
 - a. Does EPA have a plan to address the leaking cap in the meantime?
 - b. It was also announced that once the cleanup process starts, it is expected to take about 27 months. What safeguards will EPA put in place to ensure that more damage to the cap does not occur before the removal can be completed?
8. Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA “will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency.” The issue of “sue and settle” and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.
 - a. As you noted in your statement about the new policy, “‘sue and settle’ cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.” Has the Agency started implementing the changes?
 - b. There has been some pushback on your sue and settle proposal. How do you respond to the people, many of whom are former EPA attorneys, who say that the policy “discourages settlements when they would have been appropriate and increases agency costs?”
 - c. How do you differentiate between the negative aspects of sue and settle [lack of transparency etc...] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new “sue and settle” policy agency-wide? And is it a mandate to not use sue and settle in ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?
9. When was the last time EPA listed a Federal facility on the National Priorities List (NPL)?

- a. If a site scores high enough to rank on the Hazard Ranking System (HRS), will EPA list the Federal facility on the NPL?
 - b. How does OMB factor into the decision about whether to list a Federal facility on the NPL?
 - c. What if a Federal facility ranks on the HRS and the State in which it is located requests that the Federal facility be added to the NPL, will EPA list the Federal facility?
10. How do you reconcile Executive Order 12580 when it gives the polluter who is also the person paying for the cleanup, the right to make all of the decisions with respect to the remedy with no oversight from EPA?
11. How will EPA build consistency into how the Regions manage CERCLA cleanups?
12. What is the timing for the issuance of the Record of Decision for the Westlake Landfill in Bridgeton, Missouri?
13. The Superfund Task Force conducted a 30-day review of the program and released 42 recommendations in July. The Task Force reemphasized long accepted concepts that are necessary to ensure remedies are consistent nationwide, data-driven, and efficient – such as adaptive management, early actions, technical oversight, and strengthening partnerships with stakeholders. You also revised the delegation of authority procedures to require that remedies potentially totaling more than \$50 million must receive approval from the Administrator, which will help promote regional accountability.
- a. How have you been implementing the recommendations of the Task Force at sites with existing Records of Decision and how will you implement the recommendations with new cleanups?
 - b. How will EPA ensure that Regional offices closely follow the principles set forth by the Agency's 2005 Sediment Guidance and the National Contingency Plan?
 - b. Since many of the Task Force's recommendations require further action, what is your timeline and plan for next steps?

The Honorable David McKinley

- 1. Mr. Administrator - when EPA finalized the “coal ash” regulations, they adopted in the self-implementing rule a “one-size-fits-all” approach that does not allow for the consideration of site specific, risk-based factors.

I appreciate that EPA has committed to reconsider elements of the rule.

The timing of these revisions is critical to ensure that the power sector has regulatory certainty.

- a. Can you provide an update on how this process is going?
2. As you know, a federal district court ordered EPA in January this year to begin to implement section 321 of the clean air act. This provision from the late 1970s provides that the administrator “shall conduct continuing evaluation of potential loss or shifts in employment...”
 - a. What are your plans for implementing this provision? What can you tell us about your timeline?
 - b. Will you work with me to identify whether statutory changes will help make for a more useful and transparent section 321 program?
3. Small refineries have an inherent hardship in complying with the renewable fuel standards. These refineries do not have the ability to pass the rin cost on to their customers. It would put them at a competitive disadvantage to do so.

Congress has clearly stated its intent regarding this.

- a. What is the agency doing to address streamlining and improving the hardship petition process?
4. Mr. Administrator – we understand that one of your objectives at EPA is a revised federalism, including providing the states with a greater partnership role with EPA in administering and implementing environmental laws in the respective states. Congress’ recent enactment of the wiin act – which allows the states to implement the federal coal combustion residual – or “coal ash” – rules in lieu of the federal rule – is a perfect example of this philosophy and provides your administration with the opportunity to put this goal into action.

Unfortunately, however, we have heard from some of the states that EPA has been slow in reviewing and approving state program applications to operate the ccr rule in lieu of EPA. Indeed, we understand that not a *single* state application has been deemed complete by EPA, which is necessary to allow for the formal review process to begin.

- a. Can we get some assurances from you that the agency will accelerate this process?
5. The EPA's Air Enforcement Division sent an October 17 letter to the Ozone Transport Commission stating it "agrees that the 1986 [aftermarket catalytic converter emissions] policy is outdated." We encourage you to look into this issue. U.S. manufacturing jobs are threatened and U.S. consumers are already being harmed by this outdated policy.

Are you aware of how U.S. manufacturers of aftermarket catalytic converters are being severely impacted by an outdated EPA policy guidance that guides the industry?”

The Honorable Marsha Blackburn

1. An Obama-EPA rule from 2016 would have required glider kit vehicles – which are made with *old* engines, and are not new vehicles – to comply with Phase 2 EPA greenhouse gas emission standards that were targeted solely for *new* vehicles and engines. This rule would have had a devastating impact on the state of Tennessee, resulting in a loss of \$512 million-dollars in economic output and a loss of 947 jobs. The rule would have been particularly harmful for small businesses that create and sell refurbished trucks using glider kits, providing an alternative in the medium and heavy-duty truck market that is 25% less expensive than buying a new truck. Mr. Pruitt, I want to thank you on behalf of the hundreds of Tennesseans who still have their jobs because of your common-sense action to reverse the previous administration’s meritless and radical position.
 - a. Following up on that, do you agree that the needs of small business job creators should be taken into account when setting regulations that impact industries dominated by small businesses?
 - b. What can we do as a legislative body to ensure future abuses such as these do not take place again?
 - c. Can you discuss some of your efforts to reconsider regulations that pose an undue burden on small businesses?
2. In accordance with the President’s Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.
 - a. What is the status of this review?
 - b. What are your planned next steps?
 - c. What timeline do you envision for implementing the recommendations?
3. On November 30, 2017, EPA finalized volume requirements under the Renewable Fuel Standard (RFS) program for 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel, and biomass-based diesel for 2019. The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will adversely impact air quality. To date, EPA has never completed that study. EPA was also required to report to Congress on the RFS’ impacts to the environment and resource conservation every three years. To date, EPA has issued only one report – in December 2011. Administrator Pruitt, when can Congress expect the EPA to comply with the law and provide the necessary studies?

The Honorable Gregg Harper

1. Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?
2. In the 113th Congress, EPA was provided discretion over the allocation of approximately \$12.7 million in annually appropriated EPA technical assistance funding. The EPA used the discretion to eliminate the two full-time circuit rider technical assistance positions in Mississippi and other states. In response to concern raised by my rural and small community water constituents, I introduced legislation to reauthorize and direct the technical assistance funding to where it is most helpful. Senator Wicker’s companion bill was signed into law in 2015. I appreciate EPA’s July 25, 2017, response to a June 9, 2017, Senate letter in which EPA committed to following the intent of the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). 1) Could you please provide an update on implementation of the law and the possibility of the two-full time circuit rider technical assistance positions being re-established in Mississippi?

The Honorable Bill Johnson

1. As is true in a lot of areas around the country, job creators in my district are having a difficult time obtaining New Source Review air permits in order to build or upgrade manufacturing facilities or power plants, which is hurting our local economy and employment opportunities. And, as the recent DOE report on electricity markets and grid reliability further emphasizes, “NSR creates an unnecessary burden that discourages... investments in efficiency because of the additional expenditures and delays associated with the permitting process”.
 - a. Do you agree that issuing New Source Review permits takes too long and is unnecessarily complex?
 - b. What is EPA doing to assess the impact of current NSR review requirements on decisions to modernize facilities and power plants?

- c. What reforms may EPA make administratively to improve the New Source Review permitting program so that we can continue to improve air quality and achieve economic growth?

The Honorable Kevin Cramer

1. After 2022, EPA is required to set volumes for total renewable fuel, advanced biofuel, cellulosic biofuel, and biomass based diesel. The assumption is the total renewable fuel volume would contain some amount of conventional biofuel. The statute, however, does not set a minimum amount for conventional biofuel because it does not specify a minimum volume for the total renewable fuel. Thus, EPA could set the total renewable fuel volume as the same as the advanced biofuel volume.
 - a. Does the current statute have a specific requirements for corn-based ethanol until 2022?
 - b. Does the statute require a minimum volume of total renewable fuel for each year following 2022?
 - c. Is it your belief that after 2022, the RFS gives significant preference to advanced biofuels over conventional corn-based ethanol?
2. The implied mandate for corn-based ethanol is set at 15 billion gallons until 2022. As the statute is written today, do you view this 15 billion gallons as a ceiling or a floor?
 - a. If floor: What in the statute leads you to believe the RFS will require more than 15 billion gallons of corn-based ethanol?
3. The prior Administration proposed the Renewable Enhancement and Growth Support (REGS) Rule in 2016 and took comment on the potential for capturing RINS from renewable electricity used to charge electric vehicles.
 - a. Where does this proposal currently stand?
 - b. Is the EPA planning to continue to finalize the REGS Rule?
4. A number of ethanol producers in my state have talked to me at length about the benefits of high-octane fuels which are said to provide substantial engine efficiency benefits. They indicated a wealth of information has been provided to the EPA in support of such a fuel with 30 percent ethanol.
 - a. Can automakers now certify their engines on these fuels?
 - b. If not, why not? If so, what is the process?

The Honorable Tim Walberg

1. Administrator Pruitt, one of the priorities of this Subcommittee has long been to, where appropriate, give more authority to the states and it has been suggested that there are aspects of the Superfund program that would be better handled by the states.
 - a. What are your thoughts on delegating portions of the CERCLA cleanup authority to states that can demonstrate the ability to conduct certain superfund cleanups?
2. At present, there are no standard EPA methods for analyzing PFAS in environmental media, but EPA officials have stated the agency will have draft methods for water and solids by fall 2017. For the purpose of Michigan's continued engagement on this critical issue, as well as the betterment of EPA's developing approach to addressing PFAS nationwide, when do you expect these methodologies will be complete?
3. The EPA issued a drinking water health advisory for PFAS in May 2016, however, the advisory is non-enforceable and non-regulatory. Do you foresee changes to EPA's role in regulating PFAS contamination at the national level?
4. In the Motor Fuels Act of 1988 Congress established a variety of alternate fuel incentives to be used by NHTSA in the administration of the CAFE fuel economy regulations. EPA originally used the same statutory incentives as NHTSA therefore vehicle emissions and fuel economy incentives were harmonized. But in 2012, under the previous administration, EPA diverged from this harmonization by favoring electric vehicles over other alternative fuel vehicles thereby nullifying Congressional intent. Do you think it would be good policy for EPA to return to its previous approach and harmonizing its emissions incentives with NHTSA's fuel economy incentives?

The Honorable Buddy Carter

1. The EPA issued a review of the Phase 2 Greenhouse Gas Rule for Medium and Heavy-Duty Trucks and in November the EPA issued a statement on the review of glider kits. However, we haven't seen any announcements about progress with truck trailers. Are you currently reviewing trailers as part of the rule and if so, what is the status? Please provide an update on the rulemaking process and any progress that has been made.
2. Which recommendations from the Super Fund Task Force have been implemented?
3. The EPA recently announced the full or partial removal of Superfund sites from the National Priorities List. How many cleanups will the EPA pursue in 2018 and what will those be?
4. In June, the EPA announced an interim remedy for the Superfund site located at Terry Creek in my district. What is the status of that effort?
5. This committee has been looking to make sensible reforms to the program. Are there any legislative actions that this committee would need to take to aid in reforming the program?

The Honorable Michael Burgess

1. In my State of Texas, we have become too familiar with the EPA making examples of a few people to scare everyone else into compliance. Could you explain why you are intentionally moving away from heavy handed regulatory treatment and moving more toward building partnerships with States and industry to improve the environment?
2. Some of your critics view the EPA as if it's a factory; where success is measured by the quantity of rules issued, grants passed out, or enforcement cases brought. Rarely do people size up EPA by compliance achieved or improvements in the environment. What goals, budgetary or otherwise, are you setting for individual programs and what metrics are being used to measure progress or success of an office or program?
3. I'd also like to touch on the spill at the Gold King Mine. Shortly after the spill occurred there, I visited the mine to observe the impact myself and was shocked by the severe the damage was at that time. Could you please provide me an update on the situation there and the status of the claims brought by the victims?
4. EPA's authority to use the Title 42 hiring authority derives from an appropriations rider and not legislation originating from either the House Energy & Commerce or Senate Environment & Public Works Committees. Does the EPA intend to continue to use Title 42 to hire and pay new and existing employees under this authority?
 - a. Does EPA intend to formally ask the authorizing committees for special hiring authority or will it continue to base its authority on the appropriations rider?
 - b. Has EPA ever formally or informally requested such authority from the authorizing committees? If so, when?
 - c. Has the EPA ever proposed language similar to the Title 42 hiring authority be included in any of its authorizing legislation?
 - d. Does EPA intend to continue to request that the Appropriations Committee include this rider in future appropriations legislation?
 - e. Does EPA intend to ask the Appropriations Committee for any increase to the currently allowed number of employees it may pay under Title 42?

The Honorable Frank Pallone

Superfund:

During the hearing, you suggested that you proposed cutting the budget for Superfund cleanups because more money is not needed. You also said that there are very few orphan sites, meaning sites that will require public cleanup funds. However, in 2015, the Government Accountability Office found that as federal funding for cleanups has declined, the number of construction

completions and remedial action completion declined while the number of National Priority List sites remained constant. In other words, less money buys fewer needed cleanups.

1. How many sites, exactly, on the National Priority List require public cleanup funds?

Environmental Justice:

Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin.

2. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm.

3. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?
4. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.
5. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities.

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?
7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?
8. Do you believe that your actions delaying notifying communities that are out of attainment with the 2015 ozone National Ambient Air Quality Standard complies with the Executive Order on environmental justice and the Civil Rights Act?

9. Do you believe that your decision to repeal the Clean Power Plan complies with the Executive Order on environmental justice and the Civil Rights Act?
10. Do you believe that your decision to delay revisions to the Lead and Copper Rule complies with the Executive Order on environmental justice and the Civil Rights Act?

Management of Toxic Pesticides:

11. Documents reveal that Monsanto employees may have ghostwritten scientific papers on glyphosate, including papers published in the journal *Regulatory Toxicology and Pharmacology*, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?
12. Did EPA rely on studies from that journal in its decision to deny the petition to ban chlorpyrifos?
13. In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO¹ that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.² Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees and FDA employees regarding glyphosate monitoring.
14. EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?

Transparency:

Nearly thirty-five years ago, in his landmark "Fishbowl Memo," Administrator Ruckelshaus announced that he would release his appointment calendar on a weekly basis, and he directed the Deputy Administrator and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors to do the same. Administrator Ruckelshaus emphasized that "EPA will not accord privileged status to any special interest group" and that the public should be "fully aware of [top officials'] contacts with interested persons." In the intervening decades, Administrators serving under both Democratic and Republican Administrations have upheld this

¹ U.S. Government Accountability Office, "Food Safety: FDA and USDA Should Strengthen Pesticide Residue Monitoring Programs and Further Disclose Monitoring Limitations" (Nov. 6, 2014).

² Gillam, C. *FDA Suspends Testing for Glyphosate Residues in Food* (Nov. 11, 2016) (http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r_b_12913458.html)

practice. But your senior management team has yet to release its calendars, undermining agency transparency and raising questions about who may be accessing and influencing top EPA officials. EPA has recently provided the public with a “summary” of your calendar, and provided some heavily redacted records of your calendar through March 31. But the agency still has not released the actual records of your daily calendars since March, despite numerous FOIA requests for them.

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with?
16. Will you commit to directing your senior officials to release their calendars on a regular basis?

We are also concerned about delays in EPA’s response to FOIA requests under your administration. EPA’s failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

17. Given the legal expenses and waste of resources caused by EPA’s failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?
18. Do you think it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?
19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?
20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?
21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?
22. Given EPA’s large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.
23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings.

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?
25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

Contract with Definers Public Affairs:

On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”³ The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.
27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

³ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017)

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.⁴ EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propoganda Prohibition and Anti-Lobbying provisions?
33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

Enforcement:

As noted above, on December 10, the New York Times published an article identifying an alarming decrease in enforcement actions during your administration. Specifically, their analysis shows your EPA has brought one quarter fewer cases than President George W. Bush's EPA and one-third fewer cases than President Barack Obama's EPA over comparable periods. The analysis also shows that you have sought significantly smaller amounts in civil penalties.

34. Can you explain why EPA has pursued fewer enforcement cases under your leadership?
35. Please describe any complaints you have received from communities/others who have been seeking, but apparently failing to receive relief from EPA from polluters?
36. Have you been asked by anyone in industry to change EPA's enforcement policies?
37. If so, please describe those conversations.
38. Can you explain any changes you have made to testing procedures and policies (e.g. requests for information) permitted by your regional offices, enforcement officers or other EPA staff, why those changes were made and what effect they have had on enforcement?

Co-Benefits of Air Rules:

You have questioned EPA's prior evaluations of public health protections that have included "co-benefits" of deadly particulate matter.

39. Do you agree there is judicial precedent upholding EPA's approach to consider co-benefit pollution reductions?

⁴ Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017), <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

40. Why or why not?
41. Are you planning to seek legal review of this matter?
42. Are you planning to try to change the way co-benefits, like PM_{2.5}, are counted or considered in EPA rulemakings?
43. If so, why and what evidence do you have to support such a change?

Ozone:

For the 2015 Ozone rule, the Clean Air Act required all states and Tribes to submit attainment designation recommendations by October 1, 2016, and EPA was required to finalize area designations a year after. On November 6, the agency issued attainment designations for those areas that meet the 2015 standard, however EPA failed to release any nonattainment designations. In response to questions about EPA missing deadlines associated with the 2015 Ozone rule, you said the delay was due to “information that has not been provided by the states.”

44. Please provide a list of all states or Tribes who have not submitted designation recommendations to EPA for the 2015 Ozone standard. What information is still outstanding from these states or Tribes?
45. To date, has EPA notified any states or Tribes that it intends to modify any of their recommended designations? Please provide the Committee with a list of these states or Tribes, and copies of the notice provided by EPA.
46. Have you been in contact with any industry representatives or states about delaying the implementation of the 2015 Ozone standard as it relates to finalizing the remaining designations? If so, please describe the nature of your meetings and communications.
47. The Unified Regulatory Agenda included a reference to using “additional time afforded by the designations extension to finalize necessary guidance” related to the 2015 Ozone standards. However, after legal challenges from states and others, you walked back your effort to delay implementation of these standards.
 - a. Can you clarify what “extension” this refers to in the Unified Agenda?
 - b. Why would EPA need an extension to issue remaining designations?
48. When can we expect EPA to issue the remaining designations?
49. Who is on the Ozone Compliance Task Force, and what is its roll in implementing the 2015 Ozone standard? Please provide the Committee with a list of participants, schedule, meetings, materials, and communications.

Climate Change:

50. Federal courts have held that the quantity of emission reductions to be achieved is an important consideration in determining the “best system of emission reduction” for sources under section 111 of the Clean Air Act. What weight will you give to achieving significant emission reductions in considering a replacement for the Clean Power Plan?

At the hearing you questioned the integrity of the rulemaking that led up to EPA’s December 2009 science-based finding that greenhouse gas pollution endangers public health and welfare. As you know, EPA received over 380,000 comments on the Endangerment Finding, responded to 10 petitions for reconsideration, and explained its determination in almost one thousand pages of documentation in the Federal Register and supporting technical documents. A three-judge panel of the D.C. Circuit unanimously upheld that finding in 2012 against a barrage of legal challenges, finding that it was supported by ample evidence and that EPA had appropriately relied on authoritative analyses by the Intergovernmental Panel on Climate Change, the U.S. government and other sources.

51. Please explain why you continue to question the process that led to the Endangerment Finding in light of this history and the D.C. Circuit’s decision?

You recently stated that you intend to move forward imminently with a so-called “red team” exercise in which you will convene rival panels of scientists to debate climate science, just weeks after the Administration’s Global Change Research Program released a “Climate Science Special Report” confirming that human activities are “the dominant cause” of observed climate change, and that climate change is already having adverse impacts around the country. This report was authored by scientists from multiple Federal agencies, national laboratories, universities, and the private sector, and went through six stages of external review including review by the National Academies of Sciences, Engineering, and Medicine and an open public comment period.

52. Please explain why the “red team” exercise a good use of scarce Agency resources in light of the extraordinary research and review that the Administration invested in the CSSR?

Budget:

It was recently reported that officials at the Center for Disease Control and Prevention are being directed to not use seven words or phrases in official documents for the FY 2019 Budget. The forbidden words are “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” and “science-based.”

53. Is EPA also barred from using “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” or “science-based,” in official budget documents?
54. Does EPA have a list of forbidden words or phrases for official budget documents? If so, please provide the Committee with such list.

EPA has been experiencing a workforce reduction, including through the use of buy-outs.

55. Please detail the status of workforce reductions conducted to-date, during this administration, including overall net personnel reductions?

56. In what offices and programs have net reductions occurred?
57. Please detail the categories in which workforce reductions have occurred in 2017, such as buy-outs, other voluntary separations, reductions-in-force, etc.
58. In 2018, what additional workforce reductions are planned, assuming funding is available to accomplish them?
59. In which programs and offices are reductions planned?
60. What closures or other changes to the current EPA regional offices or labs are planned for 2018 or beyond?

The Honorable Paul Tonko

1. Travel to Morocco

On December 12, EPA issued a press release, “Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco.” While no members of the press accompanied you on this trip, it was reported that the purpose of the trip was to promote U.S. natural gas exports.

- a. Please provide an itinerary of your trip along with total estimated costs to U.S. taxpayers for you and any accompanying staff, including security details.
- b. How does promoting U.S. LNG exports fit into your “Back to Basics” agenda?
- c. What authority does EPA have related to the exportation, sale, or promotion of U.S. LNG?
- d. Please provide a list of companies, trade associations, or natural gas industry representatives that you or your staff have been in contact with regarding U.S. LNG exports. Please provide all records, communications, emails, meeting attendance or materials for any of these interactions.
- e. This trip was not publicly announced until EPA issued a press release once you had already arrived in Morocco. Moving forward, will you commit to publicly announcing all foreign and domestic trips prior to traveling?

2. Science at EPA

In the draft FY 2018-2022 EPA Strategic Plan, you have promised to “prioritize robust science.” Under Objective 3.3 of the draft plan, you say that “EPA will identify, assess, conduct, and apply the best available science to address current and future environmental hazards, develop new approaches, and improve the scientific foundation for environmental protection decisions.”

- a. Do you commit to ensuring that the EPA’s actions and policies are guided by the latest climate science, as reflected in Volume 1 of the Fourth National Climate Assessment

(also known as the Climate Science Special Report or CSSR), and as described in statements and reports from the National Academy of Sciences?

- b. Do you agree with the CSSR's conclusion that "it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century... For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence"?
- c. Do you commit to making information about climate change prominently available on the EPA's website, alongside information about other critical issues related to human health and the environment?
- d. Regarding the October 31 Science Advisory Board directive, can you please provide specific examples of when an EPA grant recipient on an advisory committee provided conflicted advice?
- e. On October 22, the New York Times reported, "E.P.A. Cancels Talk on Climate Change by Agency Scientists." Why were EPA scientists prohibited from speaking at a Rhode Island conference on climate change?
- f. Moving forward, will EPA scientists have the opportunity to communicate publicly about their research?

3. Advisors to the Administrator

On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

- a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?
- b. If not, what are the roles and responsibilities of Dr. Dourson?
- c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator?
- d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

4. Enforcement Actions and Monitoring

On December 10, the New York Times reported that EPA regional staff must seek authorization from HQ before asking companies to track their emissions. Monitoring is critical to ensure that

the environmental and health gains that have been made in recent decades are not undone. Power generating facilities in the Midwest emit sulfur dioxide and nitrogen oxides, which are the major precursors of acid rain which has caused the acidification of many Adirondack lakes and ponds.

- a. The Adirondack Lake Survey Corporation receives EPA funding for long-term monitoring of water quality recovery from acid rain. Do you support continuation of this long-term monitoring funding?

5. Hudson River Superfund Site

The State of New York has stated that the Hudson River PCB cleanup has not met the goals of the program, and that additional action is needed. Federal Natural Resource Trustees have also expressed concerns. The EPA Region II office does not appear to acknowledge the scientific basis of the state's and Trustee's analysis.

- a. Will EPA reconsider the recommendations of the Second Five-Year Review Report in light of the analysis done by the State and Trustee agencies?

6. OIG

The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report: "A second budget impediment occurred when the OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President's FY 2018 budget. The EPA also informed the OIG that the \$42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG's original budget request, and explaining that the EPA's submitted budget did not reflect the OIG's desired funding levels and would have significant negative impacts on OIG operations."

- a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

7. IRIS

- a. How do you view the role of IRIS relative to ensuring full implementation of the TSCA program?
- b. Will you commit to fully supporting the IRIS program?

The Honorable Diana DeGette

1. Methane is up to 34 times more potent a greenhouse gas than carbon dioxide and makes up approximately ten percent of annual greenhouse gas emissions in the United States. Despite the harm methane can cause, the EPA has proposed delaying rules that would have curbed methane emissions from oil and gas industry sources. The proposed delay of the 2016 methane rule published in the Federal Register on June 16, 2017, states “the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children.”
 - a. Do you agree that children would be disproportionately affected by delaying methane emissions restrictions on the oil and gas industry?
 - b. What are the estimated costs of the health impact on children?
2. During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.
 - a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?
 - b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?
 - c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?
3. In response to the explosion at the West Fertilizer Plant in Texas in 2013, EPA developed updates (the “Chemical Disaster Rule”) to Risk Management Plans (RMP) requirements. This update would have included common sense reforms, including improved accident prevention provisions and enhancements to emergency response preparation. In June 2017, the implementation of this rule was delayed. The rule had been in development for three years and was subject to more than 40,000 public comments.
 - a. During Hurricane Harvey, the Arkema Chemical plant in Crosby, Texas, experience fires due to a failure of emergency generators and backup cooling systems. First responders have filed suit against Arkema alleging that Arkema misrepresented the threat posed by chemicals at the site. A situation like this, where first responders cannot adequately prepare to respond to emergencies at chemical production facilities, is the sort of circumstances that the Chemical Disaster Rule was designed to avoid. Have the events at the Arkema plant, where first responders were put at risk, caused you to reconsider the delay of the Chemical Disaster Rule?

- b. The proposed EPA budget for fiscal year 2018 reduced funding for inspection of sites under the RMP by 35 percent, straining a program that only has 30 inspectors for 12,500 sites. In light of the number of facilities that need to be inspected, the low frequency of inspection, and the specter of climate change related extreme weather events like Hurricane Harvey, do you still feel the cuts to the inspection program are prudent?
- 4. The Climax Molybdenum Mining company in Colorado has asked the state of Colorado to relax limits on molybdenum allowed in runoff from the Climax mine in Summit County Colorado. Molybdenum is on the Contaminant Candidate List 4 (CCL-4). It was also on the CCL-3. Currently, states have minimal guidance from the EPA on the potential hazards of molybdenum in drinking water.
 - a. Is EPA currently collecting data on the health or environmental impacts of molybdenum in drinking water?
 - b. Will molybdenum be part of the Regulatory Determination 4 process going forward?
- 5. For more than two years, I have been focused on addressing the environmental damage caused by the August 2015 release of toxic mine water from Gold King mine in San Juan County, Colorado.
 - a. I was glad to see the Bonita Peak Mining District (which includes Gold King mine) was included on the list EPA released on December 8, 2017, of sites targeted for “immediate, intense action.” Can you elaborate on the action EPA plans to take in the Bonita Peak Mining District and the expected timeline?
 - b. On December 17, 2017, the *Denver Post* reported on the success of cleanup efforts related to toxic Argentine Mine complex near Rico, Colorado. The article noted that the part of the success is that the private company legally responsible for cleaning up the site has invested “tens of millions of dollars” in the cleanup compared to less than \$5 million the EPA has invested in the cleanup of Gold King. What additional funding will EPA invest in the Gold King cleanup?
 - c. On October 19, 2017, the *Denver Post* reported that there is uncertainty regarding the ongoing costs association with the water treatment plant EPA is operating to clean up water from Gold King Mine. The annual cost of operating the plant is \$1.2 million and it produces toxic sludge while purifying the runoff. What is the EPA’s long-term plan for the plant costs?
 - d. What is the status of finding a permanent solution for the waste sludge from the plant?

The Honorable Jerry McNerney

1. At the December 7th hearing, I stated that less than half of the U.S. population was included in the ozone designations laid out by the EPA. Though this statement was not made in the form of a question, Administrator Pruitt interjected, proclaiming that the lack of inclusion was due to missing information that needs to be submitted by states. However, on the EPA's website, there is a full list of state recommendations from 2015. Will the Administrator please explain his statement and what information is missing from which states?

ONE HUNDRED FIFTEENTH CONGRESS
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House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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Majority (202) 225-2927
Minority (202) 225-3641

January 19, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:


Thank you for appearing before the Subcommittee on Environment on December 7, 2017, to testify at the hearing entitled "The Mission of the U.S. Environmental Protection Agency."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, February 2, 2018. Your responses should be mailed to Allie Bury, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Allie.Bury@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,


John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

Attachment—Additional Questions for the Record

The Honorable John Shimkus

1. This committee was instrumental in developing the Electronic Hazardous Waste Manifest Act of 2012, which requires EPA to replace the outdated paper documents with a new electronic system for tracking all hazardous waste shipments.
 - a. What are some of the other ways the hazardous waste program could be improved, particularly in terms of the elimination of duplicative and unnecessary regulations?
 - b. Is EPA pursuing any of these efforts?
2. The previous Administration attempted to regulate farms and agricultural processors by saying that its 2009 Endangerment Finding regulated “biogenic” CO2 from agricultural crops. I understand The Endangerment Finding, however, never mentions the word “biogenic.”
 - a. Do you intend to look at this interpretation of the Endangerment Finding?
 - b. If so, would you view it in terms of whether EPA overreached to regulate natural CO2 from U.S. farms?
3. On October 17, 2017, EPA's Air Enforcement Division sent a letter to the Ozone Transport Commission stating that the agency "agrees that the 1986 policy on aftermarket catalytic converter emissions is outdated."
 - a. What steps are being taken to update this policy?
 - b. Does the Agency have a timeline for this process?
4. There has been concern that EPA’s regional offices enforce their authority differently from each other and Headquarters guidance. Do you intend to bring alignment among EPA Headquarters and the Regions?
5. The Administration’s budget request zeroed out the funding to the Department of Justice for superfund-related enforcement activities and for cost recovery efforts for the superfund program. If the goal is to get more sites cleaned up and to speed up cleanups, that seems like an odd budget request since DOJ brings money back into the federal coffers from superfund polluters – can you explain to us why the president's budget request would zero out those funds?

6. On December 1, 2017 EPA issued a decision not to do a final rule regarding financial assurance requirements for the hard rock mining sector. Can you tell us what the status is of the 108(b) rule making for the other industry sectors that are next in line [chemical manufacturing, petroleum and coal products manufacturing, and the electric power generation, transmission, and distribution]?
7. EPA announced that it could be a year before it can start cleanup of the San Jacinto River Waste Pits, which sprung a leak during Hurricane Harvey flooding. Is that because EPA officials are in the process of negotiating with responsible parties to pay for the \$115 million project?
 - a. Does EPA have a plan to address the leaking cap in the meantime?
 - b. It was also announced that once the cleanup process starts, it is expected to take about 27 months. What safeguards will EPA put in place to ensure that more damage to the cap does not occur before the removal can be completed?
8. Administrator Pruitt, in October you announced a new policy of the Agency regarding the use of settlements to circumvent the regulatory process and indicated that EPA “will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency.” The issue of “sue and settle” and the ability of special interest groups to use deadline lawsuits to force EPA to issue regulations that advance their priorities on a specified timeframe has long been a concern of this Subcommittee.
 - a. As you noted in your statement about the new policy, “‘sue and settle’ cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.” Has the Agency started implementing the changes?
 - b. There has been some pushback on your sue and settle proposal. How do you respond to the people, many of whom are former EPA attorneys, who say that the policy “discourages settlements when they would have been appropriate and increases agency costs?”
 - c. How do you differentiate between the negative aspects of sue and settle [lack of transparency etc...] and the positive? For example, regulated entities and EPA often reach agreement on a cleanup or enforcement issue, enter a settlement, and then file a lawsuit seeking court approval and enforcement of the settlement. Is your new “sue and settle” policy agency-wide? And is it a mandate to not use sue and settle in ways that shorten the administrative time it takes to get a cleanup or resolution of an enforcement action?
9. When was the last time EPA listed a Federal facility on the National Priorities List (NPL)?

- a. If a site scores high enough to rank on the Hazard Ranking System (HRS), will EPA list the Federal facility on the NPL?
 - b. How does OMB factor into the decision about whether to list a Federal facility on the NPL?
 - c. What if a Federal facility ranks on the HRS and the State in which it is located requests that the Federal facility be added to the NPL, will EPA list the Federal facility?
10. How do you reconcile Executive Order 12580 when it gives the polluter who is also the person paying for the cleanup, the right to make all of the decisions with respect to the remedy with no oversight from EPA?
11. How will EPA build consistency into how the Regions manage CERCLA cleanups?
12. What is the timing for the issuance of the Record of Decision for the Westlake Landfill in Bridgeton, Missouri?
13. The Superfund Task Force conducted a 30-day review of the program and released 42 recommendations in July. The Task Force reemphasized long accepted concepts that are necessary to ensure remedies are consistent nationwide, data-driven, and efficient – such as adaptive management, early actions, technical oversight, and strengthening partnerships with stakeholders. You also revised the delegation of authority procedures to require that remedies potentially totaling more than \$50 million must receive approval from the Administrator, which will help promote regional accountability.
- a. How have you been implementing the recommendations of the Task Force at sites with existing Records of Decision and how will you implement the recommendations with new cleanups?
 - b. How will EPA ensure that Regional offices closely follow the principles set forth by the Agency’s 2005 Sediment Guidance and the National Contingency Plan?
 - b. Since many of the Task Force’s recommendations require further action, what is your timeline and plan for next steps?

The Honorable David McKinley

- 1. Mr. Administrator - when EPA finalized the “coal ash” regulations, they adopted in the self-implementing rule a “one-size-fits-all” approach that does not allow for the consideration of site specific, risk-based factors.

I appreciate that EPA has committed to reconsider elements of the rule.

The timing of these revisions is critical to ensure that the power sector has regulatory certainty.

- a. Can you provide an update on how this process is going?
2. As you know, a federal district court ordered EPA in January this year to begin to implement section 321 of the clean air act. This provision from the late 1970s provides that the administrator “shall conduct continuing evaluation of potential loss or shifts in employment...”
 - a. What are your plans for implementing this provision? What can you tell us about your timeline?
 - b. Will you work with me to identify whether statutory changes will help make for a more useful and transparent section 321 program?
3. Small refineries have an inherent hardship in complying with the renewable fuel standards. These refineries do not have the ability to pass the rin cost on to their customers. It would put them at a competitive disadvantage to do so.

Congress has clearly stated its intent regarding this.

- a. What is the agency doing to address streamlining and improving the hardship petition process?
4. Mr. Administrator – we understand that one of your objectives at EPA is a revised federalism, including providing the states with a greater partnership role with EPA in administering and implementing environmental laws in the respective states. Congress’ recent enactment of the wiin act – which allows the states to implement the federal coal combustion residual – or “coal ash” – rules in lieu of the federal rule – is a perfect example of this philosophy and provides your administration with the opportunity to put this goal into action.

Unfortunately, however, we have heard from some of the states that EPA has been slow in reviewing and approving state program applications to operate the ccr rule in lieu of EPA. Indeed, we understand that not a *single* state application has been deemed complete by EPA, which is necessary to allow for the formal review process to begin.

- a. Can we get some assurances from you that the agency will accelerate this process?
5. The EPA's Air Enforcement Division sent an October 17 letter to the Ozone Transport Commission stating it "agrees that the 1986 [aftermarket catalytic converter emissions] policy is outdated." We encourage you to look into this issue. U.S. manufacturing jobs are threatened and U.S. consumers are already being harmed by this outdated policy.

Are you aware of how U.S. manufacturers of aftermarket catalytic converters are being severely impacted by an outdated EPA policy guidance that guides the industry?”

The Honorable Marsha Blackburn

1. An Obama-EPA rule from 2016 would have required glider kit vehicles – which are made with *old* engines, and are not new vehicles – to comply with Phase 2 EPA greenhouse gas emission standards that were targeted solely for *new* vehicles and engines. This rule would have had a devastating impact on the state of Tennessee, resulting in a loss of \$512 million-dollars in economic output and a loss of 947 jobs. The rule would have been particularly harmful for small businesses that create and sell refurbished trucks using glider kits, providing an alternative in the medium and heavy-duty truck market that is 25% less expensive than buying a new truck. Mr. Pruitt, I want to thank you on behalf of the hundreds of Tennesseans who still have their jobs because of your common-sense action to reverse the previous administration’s meritless and radical position.
 - a. Following up on that, do you agree that the needs of small business job creators should be taken into account when setting regulations that impact industries dominated by small businesses?
 - b. What can we do as a legislative body to ensure future abuses such as these do not take place again?
 - c. Can you discuss some of your efforts to reconsider regulations that pose an undue burden on small businesses?
2. In accordance with the President’s Executive Order 13777, your Agency began a process of reviewing EPA regulations in need of reform because they eliminate or inhibit job creation, are outdated, ineffective, or unnecessary, impose costs that exceed benefits, or create legal inconsistencies.
 - a. What is the status of this review?
 - b. What are your planned next steps?
 - c. What timeline do you envision for implementing the recommendations?
3. On November 30, 2017, EPA finalized volume requirements under the Renewable Fuel Standard (RFS) program for 2018 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel, and biomass-based diesel for 2019. The 2007 law shaping the RFS required EPA to study and report to Congress on whether the RFS will adversely impact air quality. To date, EPA has never completed that study. EPA was also required to report to Congress on the RFS’ impacts to the environment and resource conservation every three years. To date, EPA has issued only one report – in December 2011. Administrator Pruitt, when can Congress expect the EPA to comply with the law and provide the necessary studies?

The Honorable Gregg Harper

1. Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?
2. In the 113th Congress, EPA was provided discretion over the allocation of approximately \$12.7 million in annually appropriated EPA technical assistance funding. The EPA used the discretion to eliminate the two full-time circuit rider technical assistance positions in Mississippi and other states. In response to concern raised by my rural and small community water constituents, I introduced legislation to reauthorize and direct the technical assistance funding to where it is most helpful. Senator Wicker’s companion bill was signed into law in 2015. I appreciate EPA’s July 25, 2017, response to a June 9, 2017, Senate letter in which EPA committed to following the intent of the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). 1) Could you please provide an update on implementation of the law and the possibility of the two-full time circuit rider technical assistance positions being re-established in Mississippi?

The Honorable Bill Johnson

1. As is true in a lot of areas around the country, job creators in my district are having a difficult time obtaining New Source Review air permits in order to build or upgrade manufacturing facilities or power plants, which is hurting our local economy and employment opportunities. And, as the recent DOE report on electricity markets and grid reliability further emphasizes, “NSR creates an unnecessary burden that discourages... investments in efficiency because of the additional expenditures and delays associated with the permitting process”.
 - a. Do you agree that issuing New Source Review permits takes too long and is unnecessarily complex?
 - b. What is EPA doing to assess the impact of current NSR review requirements on decisions to modernize facilities and power plants?

- c. What reforms may EPA make administratively to improve the New Source Review permitting program so that we can continue to improve air quality and achieve economic growth?

The Honorable Kevin Cramer

1. After 2022, EPA is required to set volumes for total renewable fuel, advanced biofuel, cellulosic biofuel, and biomass based diesel. The assumption is the total renewable fuel volume would contain some amount of conventional biofuel. The statute, however, does not set a minimum amount for conventional biofuel because it does not specify a minimum volume for the total renewable fuel. Thus, EPA could set the total renewable fuel volume as the same as the advanced biofuel volume.
 - a. Does the current statute have a specific requirements for corn-based ethanol until 2022?
 - b. Does the statute require a minimum volume of total renewable fuel for each year following 2022?
 - c. Is it your belief that after 2022, the RFS gives significant preference to advanced biofuels over conventional corn-based ethanol?
2. The implied mandate for corn-based ethanol is set at 15 billion gallons until 2022. As the statute is written today, do you view this 15 billion gallons as a ceiling or a floor?
 - a. If floor: What in the statute leads you to believe the RFS will require more than 15 billion gallons of corn-based ethanol?
3. The prior Administration proposed the Renewable Enhancement and Growth Support (REGS) Rule in 2016 and took comment on the potential for capturing RINS from renewable electricity used to charge electric vehicles.
 - a. Where does this proposal currently stand?
 - b. Is the EPA planning to continue to finalize the REGS Rule?
4. A number of ethanol producers in my state have talked to me at length about the benefits of high-octane fuels which are said to provide substantial engine efficiency benefits. They indicated a wealth of information has been provided to the EPA in support of such a fuel with 30 percent ethanol.
 - a. Can automakers now certify their engines on these fuels?
 - b. If not, why not? If so, what is the process?

The Honorable Tim Walberg

1. Administrator Pruitt, one of the priorities of this Subcommittee has long been to, where appropriate, give more authority to the states and it has been suggested that there are aspects of the Superfund program that would be better handled by the states.
 - a. What are your thoughts on delegating portions of the CERCLA cleanup authority to states that can demonstrate the ability to conduct certain superfund cleanups?
2. At present, there are no standard EPA methods for analyzing PFAS in environmental media, but EPA officials have stated the agency will have draft methods for water and solids by fall 2017. For the purpose of Michigan's continued engagement on this critical issue, as well as the betterment of EPA's developing approach to addressing PFAS nationwide, when do you expect these methodologies will be complete?
3. The EPA issued a drinking water health advisory for PFAS in May 2016, however, the advisory is non-enforceable and non-regulatory. Do you foresee changes to EPA's role in regulating PFAS contamination at the national level?
4. In the Motor Fuels Act of 1988 Congress established a variety of alternate fuel incentives to be used by NHTSA in the administration of the CAFE fuel economy regulations. EPA originally used the same statutory incentives as NHTSA therefore vehicle emissions and fuel economy incentives were harmonized. But in 2012, under the previous administration, EPA diverged from this harmonization by favoring electric vehicles over other alternative fuel vehicles thereby nullifying Congressional intent. Do you think it would be good policy for EPA to return to its previous approach and harmonizing its emissions incentives with NHTSA's fuel economy incentives?

The Honorable Buddy Carter

1. The EPA issued a review of the Phase 2 Greenhouse Gas Rule for Medium and Heavy-Duty Trucks and in November the EPA issued a statement on the review of glider kits. However, we haven't seen any announcements about progress with truck trailers. Are you currently reviewing trailers as part of the rule and if so, what is the status? Please provide an update on the rulemaking process and any progress that has been made.
2. Which recommendations from the Super Fund Task Force have been implemented?
3. The EPA recently announced the full or partial removal of Superfund sites from the National Priorities List. How many cleanups will the EPA pursue in 2018 and what will those be?
4. In June, the EPA announced an interim remedy for the Superfund site located at Terry Creek in my district. What is the status of that effort?
5. This committee has been looking to make sensible reforms to the program. Are there any legislative actions that this committee would need to take to aid in reforming the program?

The Honorable Michael Burgess

1. In my State of Texas, we have become too familiar with the EPA making examples of a few people to scare everyone else into compliance. Could you explain why you are intentionally moving away from heavy handed regulatory treatment and moving more toward building partnerships with States and industry to improve the environment?
2. Some of your critics view the EPA as if it's a factory; where success is measured by the quantity of rules issued, grants passed out, or enforcement cases brought. Rarely do people size up EPA by compliance achieved or improvements in the environment. What goals, budgetary or otherwise, are you setting for individual programs and what metrics are being used to measure progress or success of an office or program?
3. I'd also like to touch on the spill at the Gold King Mine. Shortly after the spill occurred there, I visited the mine to observe the impact myself and was shocked by the severe the damage was at that time. Could you please provide me an update on the situation there and the status of the claims brought by the victims?
4. EPA's authority to use the Title 42 hiring authority derives from an appropriations rider and not legislation originating from either the House Energy & Commerce or Senate Environment & Public Works Committees. Does the EPA intend to continue to use Title 42 to hire and pay new and existing employees under this authority?
 - a. Does EPA intend to formally ask the authorizing committees for special hiring authority or will it continue to base its authority on the appropriations rider?
 - b. Has EPA ever formally or informally requested such authority from the authorizing committees? If so, when?
 - c. Has the EPA ever proposed language similar to the Title 42 hiring authority be included in any of its authorizing legislation?
 - d. Does EPA intend to continue to request that the Appropriations Committee include this rider in future appropriations legislation?
 - e. Does EPA intend to ask the Appropriations Committee for any increase to the currently allowed number of employees it may pay under Title 42?

The Honorable Frank Pallone

Superfund:

During the hearing, you suggested that you proposed cutting the budget for Superfund cleanups because more money is not needed. You also said that there are very few orphan sites, meaning sites that will require public cleanup funds. However, in 2015, the Government Accountability Office found that as federal funding for cleanups has declined, the number of construction

completions and remedial action completion declined while the number of National Priority List sites remained constant. In other words, less money buys fewer needed cleanups.

1. How many sites, exactly, on the National Priority List require public cleanup funds?

Environmental Justice:

Since the issuance of Executive Order 12898 in 1994, EPA has been required to incorporate the goal of environmental justice into its mission. As part of that executive order, and in keeping with Title VI of the Civil Rights Act of 1964, EPA is required to ensure all of its activities that affect human health and the environment do not directly or indirectly discriminate on the basis of race, color, or national origin.

2. What are you doing to ensure that EPA's response and recovery efforts in Puerto Rico and the U.S. Virgin Islands comply with the Executive Order on environmental justice and the Civil Rights Act?

Environmental justice is also a serious concern in the Agency's response to Hurricane Harvey because of disparities between communities affected by that storm.

3. What have you been doing to ensure that EPA's response and recovery efforts in Texas comply with the Executive Order on environmental justice and the Civil Rights Act?
4. What direction, if any, have you given to your Regional Administrators and other regional staff with regard to ensuring environmental justice in EPA's hurricane response? Please provide any memoranda or email correspondence you or your staff have sent to regional staff on the subject of environmental justice and hurricane response.
5. Who on your staff is tasked with coordinating response efforts across the regions to ensure equal treatment for the people of Puerto Rico and the U.S. Virgin Islands?

Since assuming your position as Administrator, you have delayed or abandoned numerous rules and regulations that would have protected vulnerable communities.

6. Do you believe that your decision to abandon EPA's proposed ban of the dangerous pesticide chlorpyrifos complies with the Executive Order on environmental justice and the Civil Rights Act?
7. Do you believe that your decision to delay the important amendments to the Risk Management Planning program complies with the Executive Order on environmental justice and the Civil Rights Act?
8. Do you believe that your actions delaying notifying communities that are out of attainment with the 2015 ozone National Ambient Air Quality Standard complies with the Executive Order on environmental justice and the Civil Rights Act?

9. Do you believe that your decision to repeal the Clean Power Plan complies with the Executive Order on environmental justice and the Civil Rights Act?
10. Do you believe that your decision to delay revisions to the Lead and Copper Rule complies with the Executive Order on environmental justice and the Civil Rights Act?

Management of Toxic Pesticides:

11. Documents reveal that Monsanto employees may have ghostwritten scientific papers on glyphosate, including papers published in the journal *Regulatory Toxicology and Pharmacology*, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?
12. Did EPA rely on studies from that journal in its decision to deny the petition to ban chlorpyrifos?
13. In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO¹ that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.² Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees and FDA employees regarding glyphosate monitoring.
14. EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?

Transparency:

Nearly thirty-five years ago, in his landmark "Fishbowl Memo," Administrator Ruckelshaus announced that he would release his appointment calendar on a weekly basis, and he directed the Deputy Administrator and all Assistant Administrators, Associate Administrators, Regional Administrators, and Staff Office Directors to do the same. Administrator Ruckelshaus emphasized that "EPA will not accord privileged status to any special interest group" and that the public should be "fully aware of [top officials'] contacts with interested persons." In the intervening decades, Administrators serving under both Democratic and Republican Administrations have upheld this

¹ U.S. Government Accountability Office, "Food Safety: FDA and USDA Should Strengthen Pesticide Residue Monitoring Programs and Further Disclose Monitoring Limitations" (Nov. 6, 2014).

² Gillam, C. *FDA Suspends Testing for Glyphosate Residues in Food* (Nov. 11, 2016) (http://www.huffingtonpost.com/carey-gillam/fda-suspends-glyphosate-r_b_12913458.html)

practice. But your senior management team has yet to release its calendars, undermining agency transparency and raising questions about who may be accessing and influencing top EPA officials. EPA has recently provided the public with a “summary” of your calendar, and provided some heavily redacted records of your calendar through March 31. But the agency still has not released the actual records of your daily calendars since March, despite numerous FOIA requests for them.

15. Will you commit to making your schedule public on a regular basis, so that Congress, the press, and ordinary Americans can see who you are meeting with?
16. Will you commit to directing your senior officials to release their calendars on a regular basis?

We are also concerned about delays in EPA’s response to FOIA requests under your administration. EPA’s failure to meet the deadlines specified in the Freedom of Information Act results in legal violations, which then subject EPA to repeated lawsuits.

17. Given the legal expenses and waste of resources caused by EPA’s failure to comply with FOIA deadlines, do you agree that EPA should streamline the review process for release of documents to eliminate any unnecessary steps, such as multiple levels of document review?
18. Do you think it is appropriate for political appointees and advisors to hold up the release of document for further review, even when documents have already been determined to be public documents not subject to FOIA exemptions by FOIA officers and FOIA attorney advisors?
19. Why would it be necessary for the documents to undergo a political review if they are public documents under the law?
20. It appears that EPA has now adopted a policy of responding to FOIA requests based only or primarily on the date of the request, regardless of the type of information requested, the simplicity of the request, or the relevance of the information to the public. Is that correct?
21. If not, please describe in detail the criteria that EPA is now using to prioritize processing FOIA requests?
22. Given EPA’s large backlog, under your current approach, how long will it be before you respond to a substantial number of requests regarding your tenure and release documents generated during your tenure (besides those documents that EPA releases when a lawsuit is filed)? Please provide an estimate in weeks, months, or years.
23. Will you establish a policy of responding to new FOIA requests on an ongoing basis, rather than relegating them to the back of the line and without waiting to be sued on each request?

It has been reported that you and other political appointees have directed staff to avoid creating public records that could be subject to FOIA requests, such as directing staff to provide internal policy decisions orally instead of by electronic mail or directing staff not to take notes in meetings.

24. Do you agree that EPA is required to create and maintain records that document the formulation of the agency's decisions, and the people and matters dealt with by the agency, so that proper scrutiny by Congress and other agencies is possible?
25. Have you or other political employees provided any direction to staff that could discourage them from creating such records?

Contract with Definers Public Affairs:

On the day you testified before Energy and Commerce, EPA entered into a no-bid contract with Definers Public Affairs to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”³ The awarding of this contract without full and open competition to a company with no apparent experience in providing these services to a Federal agency is concerning, as are the political lobbying activities of the firm. Though Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

26. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.
27. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
28. Was Definers, AmericaRising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
29. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
30. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.

³ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017)

31. On December 10, the New York Times published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.⁴ EPA issued an unusual press release in response, which has since been removed from the agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
32. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propoganda Prohibition and Anti-Lobbying provisions?
33. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

Enforcement:

As noted above, on December 10, the New York Times published an article identifying an alarming decrease in enforcement actions during your administration. Specifically, their analysis shows your EPA has brought one quarter fewer cases than President George W. Bush's EPA and one-third fewer cases than President Barack Obama's EPA over comparable periods. The analysis also shows that you have sought significantly smaller amounts in civil penalties.

34. Can you explain why EPA has pursued fewer enforcement cases under your leadership?
35. Please describe any complaints you have received from communities/others who have been seeking, but apparently failing to receive relief from EPA from polluters?
36. Have you been asked by anyone in industry to change EPA's enforcement policies?
37. If so, please describe those conversations.
38. Can you explain any changes you have made to testing procedures and policies (e.g. requests for information) permitted by your regional offices, enforcement officers or other EPA staff, why those changes were made and what effect they have had on enforcement?

Co-Benefits of Air Rules:

You have questioned EPA's prior evaluations of public health protections that have included "co-benefits" of deadly particulate matter.

39. Do you agree there is judicial precedent upholding EPA's approach to consider co-benefit pollution reductions?

⁴ Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017), <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

40. Why or why not?
41. Are you planning to seek legal review of this matter?
42. Are you planning to try to change the way co-benefits, like PM_{2.5}, are counted or considered in EPA rulemakings?
43. If so, why and what evidence do you have to support such a change?

Ozone:

For the 2015 Ozone rule, the Clean Air Act required all states and Tribes to submit attainment designation recommendations by October 1, 2016, and EPA was required to finalize area designations a year after. On November 6, the agency issued attainment designations for those areas that meet the 2015 standard, however EPA failed to release any nonattainment designations. In response to questions about EPA missing deadlines associated with the 2015 Ozone rule, you said the delay was due to “information that has not been provided by the states.”

44. Please provide a list of all states or Tribes who have not submitted designation recommendations to EPA for the 2015 Ozone standard. What information is still outstanding from these states or Tribes?
45. To date, has EPA notified any states or Tribes that it intends to modify any of their recommended designations? Please provide the Committee with a list of these states or Tribes, and copies of the notice provided by EPA.
46. Have you been in contact with any industry representatives or states about delaying the implementation of the 2015 Ozone standard as it relates to finalizing the remaining designations? If so, please describe the nature of your meetings and communications.
47. The Unified Regulatory Agenda included a reference to using “additional time afforded by the designations extension to finalize necessary guidance” related to the 2015 Ozone standards. However, after legal challenges from states and others, you walked back your effort to delay implementation of these standards.
 - a. Can you clarify what “extension” this refers to in the Unified Agenda?
 - b. Why would EPA need an extension to issue remaining designations?
48. When can we expect EPA to issue the remaining designations?
49. Who is on the Ozone Compliance Task Force, and what is its roll in implementing the 2015 Ozone standard? Please provide the Committee with a list of participants, schedule, meetings, materials, and communications.

Climate Change:

50. Federal courts have held that the quantity of emission reductions to be achieved is an important consideration in determining the “best system of emission reduction” for sources under section 111 of the Clean Air Act. What weight will you give to achieving significant emission reductions in considering a replacement for the Clean Power Plan?

At the hearing you questioned the integrity of the rulemaking that led up to EPA’s December 2009 science-based finding that greenhouse gas pollution endangers public health and welfare. As you know, EPA received over 380,000 comments on the Endangerment Finding, responded to 10 petitions for reconsideration, and explained its determination in almost one thousand pages of documentation in the Federal Register and supporting technical documents. A three-judge panel of the D.C. Circuit unanimously upheld that finding in 2012 against a barrage of legal challenges, finding that it was supported by ample evidence and that EPA had appropriately relied on authoritative analyses by the Intergovernmental Panel on Climate Change, the U.S. government and other sources.

51. Please explain why you continue to question the process that led to the Endangerment Finding in light of this history and the D.C. Circuit’s decision?

You recently stated that you intend to move forward imminently with a so-called “red team” exercise in which you will convene rival panels of scientists to debate climate science, just weeks after the Administration’s Global Change Research Program released a “Climate Science Special Report” confirming that human activities are “the dominant cause” of observed climate change, and that climate change is already having adverse impacts around the country. This report was authored by scientists from multiple Federal agencies, national laboratories, universities, and the private sector, and went through six stages of external review including review by the National Academies of Sciences, Engineering, and Medicine and an open public comment period.

52. Please explain why the “red team” exercise a good use of scarce Agency resources in light of the extraordinary research and review that the Administration invested in the CSSR?

Budget:

It was recently reported that officials at the Center for Disease Control and Prevention are being directed to not use seven words or phrases in official documents for the FY 2019 Budget. The forbidden words are “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” and “science-based.”

53. Is EPA also barred from using “vulnerable,” “entitlement,” “diversity,” “transgender,” “fetus,” “evidence-based” or “science-based,” in official budget documents?
54. Does EPA have a list of forbidden words or phrases for official budget documents? If so, please provide the Committee with such list.

EPA has been experiencing a workforce reduction, including through the use of buy-outs.

55. Please detail the status of workforce reductions conducted to-date, during this administration, including overall net personnel reductions?

56. In what offices and programs have net reductions occurred?
57. Please detail the categories in which workforce reductions have occurred in 2017, such as buy-outs, other voluntary separations, reductions-in-force, etc.
58. In 2018, what additional workforce reductions are planned, assuming funding is available to accomplish them?
59. In which programs and offices are reductions planned?
60. What closures or other changes to the current EPA regional offices or labs are planned for 2018 or beyond?

The Honorable Paul Tonko

1. Travel to Morocco

On December 12, EPA issued a press release, “Administrator Pruitt Promotes Environmental Cooperation with U.S. Partners in Morocco.” While no members of the press accompanied you on this trip, it was reported that the purpose of the trip was to promote U.S. natural gas exports.

- a. Please provide an itinerary of your trip along with total estimated costs to U.S. taxpayers for you and any accompanying staff, including security details.
- b. How does promoting U.S. LNG exports fit into your “Back to Basics” agenda?
- c. What authority does EPA have related to the exportation, sale, or promotion of U.S. LNG?
- d. Please provide a list of companies, trade associations, or natural gas industry representatives that you or your staff have been in contact with regarding U.S. LNG exports. Please provide all records, communications, emails, meeting attendance or materials for any of these interactions.
- e. This trip was not publicly announced until EPA issued a press release once you had already arrived in Morocco. Moving forward, will you commit to publicly announcing all foreign and domestic trips prior to traveling?

2. Science at EPA

In the draft FY 2018-2022 EPA Strategic Plan, you have promised to “prioritize robust science.” Under Objective 3.3 of the draft plan, you say that “EPA will identify, assess, conduct, and apply the best available science to address current and future environmental hazards, develop new approaches, and improve the scientific foundation for environmental protection decisions.”

- a. Do you commit to ensuring that the EPA’s actions and policies are guided by the latest climate science, as reflected in Volume 1 of the Fourth National Climate Assessment

(also known as the Climate Science Special Report or CSSR), and as described in statements and reports from the National Academy of Sciences?

- b. Do you agree with the CSSR's conclusion that "it is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century... For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence"?
- c. Do you commit to making information about climate change prominently available on the EPA's website, alongside information about other critical issues related to human health and the environment?
- d. Regarding the October 31 Science Advisory Board directive, can you please provide specific examples of when an EPA grant recipient on an advisory committee provided conflicted advice?
- e. On October 22, the New York Times reported, "E.P.A. Cancels Talk on Climate Change by Agency Scientists." Why were EPA scientists prohibited from speaking at a Rhode Island conference on climate change?
- f. Moving forward, will EPA scientists have the opportunity to communicate publicly about their research?

3. Advisors to the Administrator

On December 13, it was reported that Dr. Michael Dourson withdrew his name to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

- a. In October, it was reported that Dr. Dourson was already working at the agency as an Adviser to the Administrator. Can you confirm whether Dr. Dourson has left the agency?
- b. If not, what are the roles and responsibilities of Dr. Dourson?
- c. What ethics or conflict of interest agreements apply or applied to Dr. Dourson in his role as Advisor to the Administrator?
- d. You testified that the October 31 Science Advisory Board directive was driven by a concern that "a perception or an appearance of a lack of independence in advising the Agency." Did any EPA leadership have a conversation or express concerns about the perception of conflict of interest from Dr. Nancy Beck's involvement in revising the TSCA framework rules after leaving a position with the American Chemistry Council?

4. Enforcement Actions and Monitoring

On December 10, the New York Times reported that EPA regional staff must seek authorization from HQ before asking companies to track their emissions. Monitoring is critical to ensure that

the environmental and health gains that have been made in recent decades are not undone. Power generating facilities in the Midwest emit sulfur dioxide and nitrogen oxides, which are the major precursors of acid rain which has caused the acidification of many Adirondack lakes and ponds.

- a. The Adirondack Lake Survey Corporation receives EPA funding for long-term monitoring of water quality recovery from acid rain. Do you support continuation of this long-term monitoring funding?

5. Hudson River Superfund Site

The State of New York has stated that the Hudson River PCB cleanup has not met the goals of the program, and that additional action is needed. Federal Natural Resource Trustees have also expressed concerns. The EPA Region II office does not appear to acknowledge the scientific basis of the state's and Trustee's analysis.

- a. Will EPA reconsider the recommendations of the Second Five-Year Review Report in light of the analysis done by the State and Trustee agencies?

6. OIG

The Office of Inspector General (OIG) Semiannual Report: April 1, 2017 - September 30, 2017 raised a number of issues about interference with the OIG's independence. From that report: "A second budget impediment occurred when the OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President's budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million. The agency informed the OIG that the Office of Management and Budget mandated budget requests Semiannual Report to Congress April 1, 2017—September 30, 2017 13 could not be more than a certain percentage above the President's FY 2018 budget. The EPA also informed the OIG that the \$42 million request would not change. The OIG submitted a memorandum to the Office of Management and Budget stating the OIG's original budget request, and explaining that the EPA's submitted budget did not reflect the OIG's desired funding levels and would have significant negative impacts on OIG operations."

- a. Do you believe a fully funded, independent Inspector General is necessary for EPA to run as an efficient and accountable agency?

7. IRIS

- a. How do you view the role of IRIS relative to ensuring full implementation of the TSCA program?
- b. Will you commit to fully supporting the IRIS program?

The Honorable Diana DeGette

1. Methane is up to 34 times more potent a greenhouse gas than carbon dioxide and makes up approximately ten percent of annual greenhouse gas emissions in the United States. Despite the harm methane can cause, the EPA has proposed delaying rules that would have curbed methane emissions from oil and gas industry sources. The proposed delay of the 2016 methane rule published in the Federal Register on June 16, 2017, states “the EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children.”
 - a. Do you agree that children would be disproportionately affected by delaying methane emissions restrictions on the oil and gas industry?
 - b. What are the estimated costs of the health impact on children?
2. During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.
 - a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?
 - b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?
 - c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?
3. In response to the explosion at the West Fertilizer Plant in Texas in 2013, EPA developed updates (the “Chemical Disaster Rule”) to Risk Management Plans (RMP) requirements. This update would have included common sense reforms, including improved accident prevention provisions and enhancements to emergency response preparation. In June 2017, the implementation of this rule was delayed. The rule had been in development for three years and was subject to more than 40,000 public comments.
 - a. During Hurricane Harvey, the Arkema Chemical plant in Crosby, Texas, experience fires due to a failure of emergency generators and backup cooling systems. First responders have filed suit against Arkema alleging that Arkema misrepresented the threat posed by chemicals at the site. A situation like this, where first responders cannot adequately prepare to respond to emergencies at chemical production facilities, is the sort of circumstances that the Chemical Disaster Rule was designed to avoid. Have the events at the Arkema plant, where first responders were put at risk, caused you to reconsider the delay of the Chemical Disaster Rule?

- b. The proposed EPA budget for fiscal year 2018 reduced funding for inspection of sites under the RMP by 35 percent, straining a program that only has 30 inspectors for 12,500 sites. In light of the number of facilities that need to be inspected, the low frequency of inspection, and the specter of climate change related extreme weather events like Hurricane Harvey, do you still feel the cuts to the inspection program are prudent?
- 4. The Climax Molybdenum Mining company in Colorado has asked the state of Colorado to relax limits on molybdenum allowed in runoff from the Climax mine in Summit County Colorado. Molybdenum is on the Contaminant Candidate List 4 (CCL-4). It was also on the CCL-3. Currently, states have minimal guidance from the EPA on the potential hazards of molybdenum in drinking water.
 - a. Is EPA currently collecting data on the health or environmental impacts of molybdenum in drinking water?
 - b. Will molybdenum be part of the Regulatory Determination 4 process going forward?
- 5. For more than two years, I have been focused on addressing the environmental damage caused by the August 2015 release of toxic mine water from Gold King mine in San Juan County, Colorado.
 - a. I was glad to see the Bonita Peak Mining District (which includes Gold King mine) was included on the list EPA released on December 8, 2017, of sites targeted for “immediate, intense action.” Can you elaborate on the action EPA plans to take in the Bonita Peak Mining District and the expected timeline?
 - b. On December 17, 2017, the *Denver Post* reported on the success of cleanup efforts related to toxic Argentine Mine complex near Rico, Colorado. The article noted that the part of the success is that the private company legally responsible for cleaning up the site has invested “tens of millions of dollars” in the cleanup compared to less than \$5 million the EPA has invested in the cleanup of Gold King. What additional funding will EPA invest in the Gold King cleanup?
 - c. On October 19, 2017, the *Denver Post* reported that there is uncertainty regarding the ongoing costs association with the water treatment plant EPA is operating to clean up water from Gold King Mine. The annual cost of operating the plant is \$1.2 million and it produces toxic sludge while purifying the runoff. What is the EPA’s long-term plan for the plant costs?
 - d. What is the status of finding a permanent solution for the waste sludge from the plant?

The Honorable Jerry McNerney

1. At the December 7th hearing, I stated that less than half of the U.S. population was included in the ozone designations laid out by the EPA. Though this statement was not made in the form of a question, Administrator Pruitt interjected, proclaiming that the lack of inclusion was due to missing information that needs to be submitted by states. However, on the EPA's website, there is a full list of state recommendations from 2015. Will the Administrator please explain his statement and what information is missing from which states?

To: Regional Public Affairs Directors[Regional_Public_Affairs_Directors@epa.gov]
From: D'Andrea, Michael
Sent: Fri 12/15/2017 3:19:51 PM
Subject: Fwd: Mother Jones (12-15) The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity

<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/#>

The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity

It promises “war room” style media monitoring.

Rebecca Leber, [Andy Kroll](#) and [Russ Choma](#) Dec. 15, 2017 6:00 AM

Using taxpayer dollars, the Environmental Protection Agency has hired a cutting-edge Republican PR firm that specializes in digging up opposition research to help Administrator Scott Pruitt’s office track and shape press coverage of the agency.

According to federal contracting records, earlier this month Pruitt’s office inked a no-bid \$120,000 contract with Definers Corp., a Virginia-based public relations firm founded by Matt Rhoades, who managed Mitt Romney’s 2012 presidential campaign. Following Romney’s defeat, Rhoades established America Rising, an ostensibly independent political action committee that works closely with the Republican National Committee and Republican candidates to mine damning information on opponents. Other higher-ups at Definers include former RNC research director Joe Pounder, who’s been described as “a master of opposition research,” and senior vice president Colin Reed, an oppo-research guru billed as “among the leaders of the war on [Sen. Elizabeth] Warren.”

This for-profit consulting firm offers a variety of public relations services such as digital strategy, political consulting, and media relations. According to its website, Definers’ clients include Fortune 500 corporations, political groups, and nonprofits. In the past, both Marco Rubio and John McCain used their services, and since the 2016 election so has Rep. Diane Black (R-Tenn.). The client list for America Rising includes the RNC, Republican candidates, such as Sen. Pat Toomey (R-Penn.), and super-PACs such as the Mitch McConnell-linked Senate Leadership Fund and Karl Rove’s American Crossroads.

The company also specializes in using the press and social media to “validate your narrative.” According to the company’s website, one of the tools to help do this is its “Definers Console” media-tracking technology. Reed said his firm contracted with Pruitt’s office at the EPA, which is the first governmental client to pay for the Definers Console. The technology promises “war room” style media monitoring, analysis and advice, according to marketing materials. A brochure for the Console assures users that they will be able to “monitor for potential crises, as well as to track their message dissemination, relevant responses to their messaging, and what competitors’ actions have been.”

Besides monitoring media, users will get analysis and input from their employees whose experience in political campaigns and the business world helps create a unique approach “to intelligence gathering and opposition work. This experience informs the way we gather, synthesize, and disseminate information.”

“Definers has been contracted to provide media monitoring services through our Console by the EPA,” Reed says. “We provide the same service to a number of corporate and non-profit organizations.”

In response to *Mother Jones*’ questions about the Definers contract, EPA spokesperson Nancy Grantham said, “The Definers contract is for media monitoring/newsclip compilation.” To a question on how the contract came about, she said: “The contract award was handled through the EPA Office of Acquisition Management.”

USASpending.gov, a website that tracks federal spending, shows that in early 2016 the EPA signed a \$207,000 contract with a firm called Bulletin Intelligence, requesting similar services. Bulletin is owned by public relations giant Cision, a well-known international PR firm. According to OpenSecrets.org's expenditure data, Bulletin is not political and has not done any recent work for any candidates or PACs. The contract expired in February.

Definers also recently launched a new venture with the global law firm Dentons, which describes itself as combining “political intelligence, legal advisors, campaign-style tactics, lobbying, governmental affairs, research, and communications into one unique offering” to help clients.

The career of at least one of Pruitt's staffers has overlapped with the Republican operatives at Definers. Jahan Wilcox, who previously worked for Marco Rubio's presidential campaign and in rapid response for the Republican National Committee, is now a spokesperson for the EPA.

Wilcox, along with other political staff in Pruitt's EPA press shop, has had some contentious interactions with the press. In one case, when Eric Lipton from *The New York Times* was confirming facts for an investigation into the EPA's industry-friendly approach to chemical regulation, EPA spokesperson Liz Bowman diverted the discussion to other outlets' reporting rather than confirming his questions. Wilcox added, “If you want to steal work from other outlets and pretend like it's your own reporting that is your decision.”

On another occasion, shortly after the *Associated Press* reported on the Superfund sites affected by Hurricane Harvey, the EPA went after one of the bylined reporters in a statement, and an unnamed official later admitted to removing one of the bylined AP reporters from the agency's press list, saying, “We don't think he's a trustworthy reporter.” When Pruitt has faced criticism, the EPA highlights friendlier stories from conservative outlets—including *Breitbart*.

Pruitt has come under fire for a general lack of transparency at the EPA. The latest example is his trip promoting natural gas in Morocco. The public learned of his travels when his office posted a media release, causing confusion over why the EPA would not notify reporters ahead of time. This means that information on Pruitt's activities in Morocco will be restricted to the EPA's own spin.

The EPA's work with groups affiliated with Pounder predate this contract. On a handful of occasions, the EPA has promoted positive coverage of Pruitt's actions from the news-aggregation website Need To Know Network. Earlier this year, the website wrote a series of stories designed shed positive light on the controversial administrator. In one story, the site describes Pruitt as “busy racking up accomplishments that both protect Americans and save millions in taxpayer dollars.” Another congratulated Pruitt for moving ahead with plans to open Alaska's Bristol Bay to mining, writing it was “a move that will prove to be a massive job creator for President Trump and Pruitt.”

The Need to Know Network was started by Pounder and other operatives connected to America Rising and Definers Corp.

To: Gray, David[gray.david@epa.gov]
From: Grantham, Nancy
Sent: Wed 6/20/2018 10:30:07 AM
Subject: Fwd: Morning Energy: Trump makes waves with EO — EPW weighs EPA nominees — One-on-one with Grijalva

Sent from my iPhone

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: June 20, 2018 at 6:05:36 AM EDT
To: <grantham.nancy@epa.gov>
Subject: Morning Energy: Trump makes waves with EO — EPW weighs EPA nominees — One-on-one with Grijalva
Reply-To: "POLITICO subscriptions" <reply-fe9213757162057c70-630326_HTML-814497992-1376319-0@politicoemail.com>

By Kelsey Tamborrino | 06/20/2018 06:01 AM EDT

With help from Alex Guillén, Darius Dixon, Anthony Adragna and Daniel Lippman

MAKING WAVES: President Donald Trump has revoked the Obama-era [National Ocean Policy](#), which was put in place in the aftermath of the Deepwater Horizon oil spill. Trump's new order issued Tuesday evening to dismantle an Obama [order](#) said the move was in line with his "energy dominance" goals. "Domestic energy production from Federal waters strengthens the Nation's security and reduces reliance on imported energy," the order said. Additionally, the president's order says the U.S. military will "protect our national interests in the ocean and along the nation's coasts." And it establishes the interagency Ocean Policy Committee, which will be co-chaired by the Council on Environmental Quality and the director of the Office of Science and Technology Policy, as well as the heads of EPA, Interior and Energy. Read the [order](#).

Quickly, House Natural Resources Democrats pounced on the news, [calling for a hearing](#) on the matter. Trump is throwing out "decades of work and input from Congress, two previous Administrations, policy experts, and the American public that went into its creation," the Democrats write. A committee spokeswoman said it has "held multiple hearings on oceans related policy since the Obama executive order was enacted, which the Democrats clearly point out in their letter. ... The ship has sailed." In his own statement, Chairman [Rob Bishop](#) said that the committee heard from Americans earlier this month "whose livelihoods depend on a healthy ocean economy and the prior administration's ocean policy was one of their main challenges."

DOE TO RELEASE PUERTO RICO REPORT: DOE will release its "Energy Resilience Solutions for the Puerto Rico Grid" report today, with recommendations for the government of Puerto Rico to consider incorporating into its recovery plans in the aftermath of two devastating hurricanes that struck the island last year. The recommendations focus on investment in "infrastructure systems that are affordable, reliable, and resilient;" undertaking further analysis; and providing training to offset out-migration from the commonwealth to the mainland U.S. Read the report [here](#).

WELCOME TO WEDNESDAY! I'm your host Kelsey Tamborrino and American Petroleum Institute's Khary Cauthen correctly identified Jules Rimet as the FIFA president the first World Cup trophy was named after. For today: What senator holds the title for longest tenure as chair of a standing committee? Send your tips, energy gossip and comments to ktamborrino@politico.com, or follow us on Twitter [@kelseytam](#), [@Morning_Energy](#) and [@POLITICOPro](#).

Join Pro subscribers, expert reporters and key decision-makers from the executive branch, federal agencies

and Congress for a full day of incisive policy conversations on July 17. New speakers include CMS Administrator Seema Verma, FDA Commissioner Scott Gottlieb and others. Register [today](#).

NEW CONSERVATIVE GROUP LOBBIES FOR CARBON TAX: A new group with a conservative backing has formed to push for a carbon tax. The [Americans for Carbon Dividends](#) is co-chaired by two former senators: John Breaux and Trent Lott. The group calls itself "an education and advocacy campaign to build support for the Baker-Shultz Carbon Dividends Plan" developed by the ex-Secretaries of State James Baker and George Schultz that is based on free markets and limited-government principles. The New York Times [reports](#) that the group is proposing "an initial tax of \$40 per ton of carbon dioxide produced" that would increase over time. "That would raise the cost of a gallon of gas by approximately 38 cents, the group says, with similar effects on household heating and other energy use. That could, in turn, encourage people and businesses to become more energy efficient and curb their use of fossil fuels," the Times writes. Already the group is planning an event today that will include Lott and Janet Yellen, who led the Federal Reserve under Obama. Money raised by the tax would be given to consumers as "dividend" that would amount to about \$2,000 for a family of four in the first year.

EPW WEIGHS EPA LAND, INTERNATIONAL NOMINEES: Senate EPW will gather this morning to review Peter Wright's nomination to run EPA's Office of Land and Emergency Management. The biggest chunk of OLEM is the multibillion-dollar Superfund program, which Administrator Scott Pruitt has said is a priority. OLEM is handling some controversial revisions to the coal ash rule, as well as the popular brownfields program, underground storage tanks and other solid waste-related activities. The job also comes with responsibility for EPA's responses to emergencies like hurricanes and the Kilauea volcano eruption.

Wright comes from Dow Chemical (now DowDuPont), where he has been an attorney since 1999. In his [ethics agreement](#), Wright agreed to sell off his holdings in DowDuPont, which could total several hundred thousand dollars, according to his [financial disclosure](#). Environmental groups have criticized Wright's nomination given DowDuPont's connections to Superfund sites — more than 200, [according](#) to the Union of Concerned Scientists. Expect questioning on that potential conflict.

The committee will also look at William McIntosh for EPA's International and Tribal Affairs Office, typically a lower-profile post. McIntosh retired from Ford last fall after working on compliance and permitting for the company's plants in Europe, Russia and South Africa. In his [ethics agreement](#), McIntosh promised to avoid any matter at EPA involving Ford without first getting a waiver. The hearing is at 10 a.m. in Dirksen 406.

Related doc: More than 100 advocacy organization signed onto a letter that will be sent today opposing Wright's nomination. Read that [here](#).

ONE ON ONE WITH GRIJALVA: While there's a "level of civility" between House Natural Resources ranking member [Raúl Grijalva](#) and Chairman Bishop, Grijalva told Pro's Anthony Adragna in a recent Q&A that "some really philosophical differences" make it unlikely the two men will be able to work together on broad legislation. Here are some other takeaways from the sit-down:

— **On the letters to Interior:** "There really is an arrogance. [Interior Secretary Ryan] Zinke in his own personality is arrogant, but let's just talk about our jurisdiction. We've sent tons of letters and no response on some of the critical ones that we sent."

— **On the committee's Puerto Rico oversight:** "It hasn't done enough. Oversight as to what happened when you have the disparity in deaths between the federal report and the Harvard report? No, we're approaching that oversight as a business model."

— **On what it would take to make Zinke's position less secure:** "People that are not used to being accountable, when you have secretaries that are feeling imperial about their job — they don't have to play by the same rules — I think accountability and oversight, it's not a question of do you force them out, do you seek some sort of punitive impeachment or something." Read the full interview [here](#).

**** POLITICO** will be reporting from inside the World Gas Conference June 25 - June 29. [Sign up now](#) for

GOP NOT SO SURE ABOUT THAT: The Trump administration's argument that the retirement of coal-fired and nuclear power plants would pose a national security threat is having a tough time gathering support on the Hill, Pro's Darius Dixon reports. Energy Secretary Rick Perry has pushed the claim for more than a year, and while some congressional Republicans are sensitive to the concerns about the coal industry, they doubt the grid faces the dire situation that Perry has predicted and they are wary of intervening in the energy markets. Read [more](#).

FERC PULLS IN OUTSIDE HELP ON LNG: FERC is dealing with so many applications for building liquefied natural gas export terminals that it's turning to the private sector to carry some of the weight, FERC Chairman Kevin McIntyre said during a Tuesday keynote to the American Gas Association. "The workload on our Office of Energy Projects is enormous," he said, referring the division that handles those reviews. "For the first time in its history, to my knowledge, we have hired private contractors for the construction inspections and for other nonproprietary aspects of review processes."

On a lighter note, McIntyre also told those gathered for the roundtable that DOE's yearlong emphasis on grid "resilience" has followed him into his personal life. "My daughter had her end-of-school-year picnic last Thursday," he said. "I'm sitting there on a park bench minding my own business when I heard a voice, 'Kevin McIntyre?' Somebody wanted to talk about the resilience of our bulk power system." It turns out that their daughters were in the same class. "That was a wonderful moment, I must tell you. I thought it was Miller Time, but no, it was Grid Resilience Time!"

GE OUT, WALGREENS IN: After 120 years as part of the Dow Jones industrial average, General Electric is out, CNBC reports, to be replaced by drugstore chain Walgreens Boots Alliance. The industrial company's stock has fallen more than 55 percent over the last year, CNBC reports, losing more than 25 percent in 2018 alone. "This move will put further pressure on GE shares as some index funds will no longer be required to own the stock," the outlet writes. GE shares closed at \$12.95 on Tuesday. Read [more](#).

SPOTTED: EPA's Scott Pruitt speaking Tuesday to 60 people in the Indian Treat Room at the Vinyl Institutes Annual Fly-In. He focused on balancing regulations, the environment and jobs, according to a source familiar.

WHAT AUGUST RECESS? After senators on both sides of the aisle [clamored](#) for an EPW hearing on Pruitt's ongoing controversies, Chairman [John Barrasso](#) announced Tuesday that the embattled administrator would appear before the committee sometime in August. "The hearing will give senators the opportunity to ask important questions and hear about the work being done at the agency," Barrasso said in a statement.

"I'm pleased Chairman Barrasso finally wants to get a hearing on the books, but I see no reason why we need to wait until August to have Administrator Pruitt come testify," ranking member [Tom Carper](#) told ME in a statement. More [here](#).

WHAT ABOUT WRDA? The major water infrastructure legislation, [S. 2800 \(115\)](#), won't reach the Senate floor until after July 4, Barrasso said, but it remains "high on the agenda," Anthony reports. Read [more](#).

EPA UNION CHIEF TO RETIRE: John O'Grady, the head of AFGE Council 238, which represents about 9,000 EPA workers across the country, will retire this month, he announced Tuesday. Chicago-based O'Grady, who has been an outspoken critic of Pruitt, tells ME he recently earned his master's in pastoral studies from Catholic Theological Union and hopes to focus on social justice and faith in retirement. He said he also plans to keep up with the "Save the U.S. EPA" campaign, a union-backed effort pushing back on budget cuts and regulatory rollbacks. Denise Morrison, the union's executive vice president, will fill in until a special election is held for a permanent union boss. Read POLITICO's Q&A with him last summer [here](#).

ALL QUIET ON THE APPROPs FRONT: Senior senators promised a low-drama appropriations season this year, and so far this week they're delivering. While ME knew that the midterm elections and raising the spending caps last year would tame some of the usual congressional angst, we didn't really believe the three-

pronged "minibus" that includes the energy and water would sail this smoothly. The most contentious amendment vote so far was a sense of the Senate essentially saying that science is great and more money should be spent on it. The vote was 93-3. That said, everything is fine until it isn't and we reserve the right to see it all implode without much warning.

Where Democrats' heads are at: There appears to be little interest in pushing any controversial riders onto the package. [Ben Cardin](#) summarized what ME heard from other Democratic lawmakers about the bill pretty well: "We've been led to believe that any attempt to put anti-environment riders on will be resisted by the joint leadership," he told reporters. "I'm for open process but I'm not sure there's a great appetite on this bill. These bills have been put together truly in a bipartisan manner." The Senate meets at 9:30 a.m. today to resume consideration of [H.R. 5895 \(115\)](#).

MAIL CALL! ABOUT THOSE TARIFFS: A group of more than 50 manufacturers and retailers sent a [letter](#) this week to the leadership of the Senate Finance Committee and the House Ways and Means Committee, calling for further review and action on the administration's tariffs and quotas.

— **Sens. [Sheldon Whitehouse](#) and [Kamala Harris](#) sent a letter** to Pruitt Tuesday, asking him for more information on the [no-bid contract awarded](#) to Definers Public Affairs last year, a company that shares staff with America Rising. Read the letter [here](#).

— **Sportsmen organizations sent a letter** to Sen. [Dean Heller](#) urging him to reconsider his stance on including the sage grouse rider in the National Defense Authorization Act.

LAWMAKERS RALLY ON LWCF: A bipartisan coalition of lawmakers will hold a news conference this morning to highlight the 100-day mark until the Land and Water Conservation Fund expires. Watch it [here](#).

GAO: BETTER PROCEDURES NEEDED FOR BLM LEASES: The Government Accountability Office said Tuesday BLM could do more to monitor lease suspensions for oil and gas drilling. Determining the reasons for suspensions is difficult, GAO said, partly because BLM does not require the inclusion of such information in its database. The report, requested by Grijalva, [Alan Lowenthal](#) and [Jared Polis](#), arrives as the Natural Resources Committee will markup today four bills [related](#) to permitting. Read [the report](#).

— **Independent Petroleum Association of America's President** and CEO Barry Russell sent this [letter](#) in support of the permitting bills before the Natural Resources committee today. The bills "will provide much-needed certainty and assurances for our member companies and those who safely operate on public lands," Russell writes.

HITTING THE BENCHMARK: Ceres is out with new analysis today on U.S. power plant emissions, finding that from 2005-2017, electric sector CO2 emissions decreased 24 percent while GDP grew by 20 percent. Coal and natural gas accounted for 49 and 20 percent, respectively, of electric power production in 2006, the "Benchmarking Air Emissions" report found. Read the report [here](#).

LET'S GET VIRTUAL: The Environmental Defense Fund will hold a virtual reality experience today, dubbed "Find and fix [Methane CH4llenge](#)," from 9 a.m. until 2 p.m. in the foyer of Rayburn. The VR technology takes a user to a digitally simulated wellsite, and will also be [formally debuted](#) at next week's World Gas Conference.

MOVER, SHAKER: The World Resources Institute will announce this morning that Daniel Lashof will take over as WRI's new director of its work focused in the United States. Lashof arrives from the NextGen Policy Center and previously worked at the NRDC.

QUICK HITS

— Iran will not accept any OPEC decision to increase production: oil minister, [S&P Global](#).

— Forest Service looks to follow BLM, revise Obama-era plans, [E&E News](#).

— A Canadian firm prepares to mine land Trump cut from monument protection, [Huffington Post](#).

- 2 coastal Republicans back Democrat Joe Cunningham over Katie Arrington, [The Post and Courier](#).
- States in the dark about EPA effort to tackle upwind air pollution, [Bloomberg BNA](#).
- With pump prices above three-year highs, OPEC and Russia look to boost oil production, [The Washington Post](#).
- How the Koch brothers are killing public transit projects around the country, [The New York Times](#).

HAPPENING TODAY

8:30 a.m. — The Mileage Based User Fee Alliance [conference](#) on "implementing road use charges as a sustainable transportation financing alternative to the pay at the pump gas tax," 14th and F Streets NW

9:00 a.m. — Greentech Media host [Grid Edge Innovation Summit](#), San Francisco

9:00 a.m. — Senate Finance Committee [hearing](#) on "Current and Proposed Tariff Actions Administered by the Department of Commerce," 215 Dirksen

9:30 a.m. — Senate news conference to mark 100 days until the authorization of the Land and Water Conservation Fund expires, Senate Swam

10:00 a.m. — Senate Environment and Public Works Committee [hearing](#) on the nominations of William McIntosh and Peter Wright to be assistant administrators of EPA, 406 Dirksen

10:00 a.m. — House Energy and Commerce [hearing](#) on "The Benefits of Tax Reform on the Energy Sector and Consumers," 2123 Rayburn

10:00 a.m. — The Center for Strategic and International Studies [launch](#) of Bloomberg New Energy Finance's "New Energy Outlook 2018," 1616 Rhode Island Avenue NW

10:15 a.m. — House Natural Resources Committee [markup](#) on various bills, 1324 Longworth

11:00 a.m. — The Woodrow Wilson Center Kennan Institute for Advanced Russian Studies [book discussion](#) on "Chernobyl: The History of a Nuclear Catastrophe," 1300 Pennsylvania Avenue NW

12:30 p.m. — The Atlantic Council [launch](#) of the 2018 BP Statistical Review of Energy, 1030 15th Street NW

2:00 p.m. — ActionAid USA, Partnership for Policy Integrity, and the National Family Farm Coalition film screenings related to bioenergy, 529 14th St NW

3:00 p.m. — The Fund for Peace [discussion](#) on "Mitigating Gender-Based Violence Risks in the Natural Resources Sector," 600 Fourteenth Street NW

3:00 p.m. — The Woodrow Wilson Center's Polar Initiative [discussion](#) on "Perspectives on the Future of Greenland," 1300 Pennsylvania Ave NW

5:00 p.m. — The House Earth and Space Science Caucus [exhibition](#) on "The Science of Food Security," Rayburn Goldroom.

7:00 p.m. — The Politics and Prose Bookstore [book discussion](#) on "What the Eyes Don't See: A Story of Crisis, Resistance, and Hope in an American City," on Flint, Mich., 70 District Square SW

THAT'S ALL FOR ME!

To view online:

<https://subscriber.politicopro.com/newsletters/morning-energy/2018/06/trump-makes-waves-with-eo-259113>

Stories from POLITICO Pro

By Anthony Adragna | 06/20/2018 05:01 AM EDT

Rep. [Raúl Grijalva](#) is promising aggressive oversight of the Interior Department if Democrats win the House this fall, something he says has been ignored by the Republicans now in charge of the House Natural Resources Committee.

Grijalva, who has represented a Tucson, Ariz.-based district since 2003 and has risen to become the top Democrat on the resources panel, said the "arrogant" Interior Secretary Ryan Zinke has turned his department into a "personality cult" for himself while declining to provide sufficient information on his plans to reorganize the agency. While there's a "level of civility" between him and Chairman [Rob Bishop](#) (R-Utah), Grijalva said in a recent interview in his office on Capitol Hill that "some really philosophical differences" make it unlikely the two men will be able to work together on broad legislation.

This transcript has been edited for length and clarity.

You and other Democrats have complained you are not getting responses to your letters requesting information from Zinke or other Trump administration officials. What do you think of how the administration is approaching this?

There really is an arrogance. Zinke in his own personality is arrogant, but let's just talk about our jurisdiction. We've sent tons of letters and no response on some of the critical ones that we sent. The agenda for the oversight subcommittee that they insisted be part of our committee structure under Obama is lethargic — it's impotent, it doesn't do anything. That should have been the arm that's kind of looking at things if not the whole committee. So we don't do that. We very seldom get people from the agency to show up and give testimony. That's never been the norm, even during the [George W.] Bush administration. Somebody from the administration always showed up to state their position.

Now almost a year-and-a-half into his tenure at Interior, has Zinke led the agency as you expected?

I didn't have a negative expectation. I really didn't. Having been a former member of the committee, there was a glimmer of expectation that he would understand what our function is, understand the dynamics of what the Democrats want and what they push. Because he was on that committee, maybe have better communications than had been anticipated. All that disappeared pretty early on.

While I didn't have any negative expectation, there was some expectation that we might be able to work with this guy. That includes outside organizations that felt they could work with him. He's somebody from the West. Understood those issues as well. But it very quickly turned into more of a personality cult for him.

This whole reorganization is going to hurt the Interior Department for hopefully not long, but at least a decade. What you're doing is not really clear. Decentralizing, whatever the heck that means, when actually it already is decentralized.

Did you know him back in Congress at all?

He wasn't a big participant in the committee. He'd show up and take votes. He opposed the majority on a couple of things [such as the] Land and Water Conservation Fund, which we thought was going to be an opening for us. That hasn't proven to be true. He was there, but I wouldn't say at the full committee meeting he was one of the leaders on their side in terms of the things that were being done.

But do you think he'd be ready for the oversight that would come if Democrats take back the majority? And what would you look to first if that opportunity presented itself?

Budget. Reorganization. Who's making decisions? I would look at the Bureau of Indian Affairs, which doesn't have a director. [National] Park Service doesn't have a director. I think those areas would be one of the first we'd have to go into.

The budget in and of itself is the most important document, but I think beyond that you have real oversight as to what your reorganization plan is. Cause other than an outline, there is nothing there. We're moving stuff to Denver. Moving stuff over here. And we're decentralizing. Nobody really has a clear picture of what the hell this plan is going to be and how, supposedly, it's going to be closer [to the agency's mission].

I think also the connections. There's a group of key political appointees where that has to be done and what their relationship is to oil and gas, and to other industries that are coveting and lusting after the public lands at this point ...

The more we can bring to light about what's going on at Interior. It's under the radar right now given all these other issues. [EPA Administrator Scott] Pruitt kind of dominates that whole thing on the environmental side, but what Zinke and the political appointees are doing there just has the same long-term ramifications in the negative for Interior and the jurisdiction that we have. There's a lot at stake.

How's your relationship with Bishop been during the Trump administration?

It's cordial and friendly at times 'cause I think that's just my personality. I don't hate the guy, but he's got an agenda, he's pushing it. That's the legacy he wants to leave. And that agenda is something we oppose, so that's where the rub is. And it's always there. There's a level of civility between the two of us.

Do you see the ability to work on broader legislation with him?

I think there are some ideological differences that run really deep. He has lines that he has drawn and obviously so have we. We're not going to give up Endangered Species Act in order to cut a deal. We're not going to get rid of NEPA or make categorical exclusion the only thing we can do in order to cut a deal.

There's opportunities on some land bills. There's opportunity on individual legislation that members bring. Yeah, we should be able to work on those. But a big, broad reform package as he calls it? That's a little more difficult because then we're running into about where things need to be between Democrats and Republicans — and it's reflected in both of us.

What do you make of the committee's oversight efforts in response to Hurricane Maria in Puerto Rico? Has enough been done?

No, it hasn't done enough. Oversight as to what happened when you have the disparity in deaths between the federal report and the Harvard report? No, we're approaching that oversight as a business model. How is the grid coming up? How is PREPA really doing its job? How are we balancing the budget? It's a financial oversight and they're always going to have room for criticism because it's not going the way it was predicted in PROMESA.

The humanity side of it, which is also our jurisdiction, and the kinds of protection in the long-term for the health and safety of the people on the island, we haven't talked about that. We haven't talked about how you get the health system going again. What are you going to do with the public schools? Are you going to privatize them all like you did in New Orleans? Those questions that should be part of the oversight. So, no. On the business model, yeah. On the humanitarian side, which is where all the drama and trauma is, we haven't done that.

What do you think would make Zinke's position less secure?

I think the accountability changes everything. People that are not used to being accountable, when you have secretaries that are feeling imperial about their job — they don't have to play by the same rules — I think accountability and oversight, it's not a question of do you force them out, do you seek some sort of punitive impeachment or something. Just that oversight function done correctly and professionally — and accountability attached to it — that'll be enough for them to think twice, not only about behavior but about the position.

That kind of required pressure is something that they're not used to. I don't think they'll necessarily react well to it.

What did you make of the trip Zinke took to Florida where he announced he was withdrawing Florida from the offshore drilling plan?

That just dismissed that whole idea of offshore entirely — whether it's the West Coast, off the Atlantic. Because then it became what many of us felt it was: Purely subjective. Here's a guy — [Florida Gov. Rick] Scott — he's running for Senate, but he can't run for Senate if you're going to be drilling off Miami somewhere. And so, OK, for a purely political consideration, you lifted it. That political consideration is applicable to every other designation that they made. Any legitimacy that anybody wanted to add to that or even assess to that decision was lost completely. It was hypocritical and totally subjective.

To view online [click here](#).

[Back](#)

Perry's 'national security' push for grid draws skepticism on the Hill [Back](#)

By Darius Dixon | 06/19/2018 04:21 PM EDT

The Trump administration is having a hard time winning over skeptics to its claim that the retirement of coal-fired and nuclear power plants poses a national security threat.

For more than a year, Energy Secretary Rick Perry has argued that letting those struggling generators shut down would threaten the power grid's ability to bounce back from an attack or severe storm. Although he's failed to persuade federal power regulators to prop up the plants, Perry is pushing that argument with the National Security Council in an effort to head off new closures.

Some congressional Republicans said though they are sensitive to the national security concerns and woes of the coal industry, they doubted the grid faces the dire situation that Perry has predicted, and they are wary of intervening in the energy markets.

"I'm a Navy guy. I want our country secure," said Rep. [Pete Olson](#) (R-Texas). "But their arguments haven't been about security. It's been about propping up coal and nuclear power."

Olson authored the legislative language that was added to the 2015 FAST Act and expanded Perry's ability to intervene in grid operations during an emergency. But he said the Energy Department's arguments, contained in paper that leaked earlier this month, failed to convince him that shutting down money-losing plants presented a threat to national security.

"A crisis to me means the power is going out. But to support some jobs in some parts of the country, eh, that's not what the bill is designed to do," he said. "Our bill was just to deal with crisis, not to deal with this."

His comments echoed the sentiments of Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) (R-Alaska), who told the committee last week she had "[concerns](#)" about DOE interfering in the power markets.

Coal-fired power plant closures slowed in 2017, but they are expected to accelerate next year with 12.5 gigawatts of capacity expected to shut down, according to [Bloomberg New Energy Finance](#). That figure is near the record retirements of 15 GW set in 2015. Energy experts and even a Perry-directed [DOE analysis](#) last year put blame for the plants' demise on stagnant power demand and the rise of natural gas and renewables.

But the [draft DOE paper](#) that recently leaked showed that the agency has considered using its authority under the Federal Power Act's 202(c) provision to "temporarily delay retirement of fuel-secure electric generation resources" while threats to natural gas and electric infrastructure are assessed. And it also considered using the Defense Production Act to require power purchases from endangered plants in an effort to put off shutdowns for two years.

President Donald Trump has repeatedly told Perry to step in to help the plants, including earlier this month when he directed Perry to take "[immediate steps](#)" to staunch coal and nuclear plant retirements. He called on

the former Texas governor to hold a news conference to announce a plan.

It's not the only issue where the Trump administration has invoked "national security" to defend a controversial action. Trump has threatened to use a trade law that leverages national security to impose tariffs on imported vehicles, the same law the administration used to put tariffs on steel and aluminum.

"Let's face it, there's an awful lot of stuff being lumped into national security," former Obama Energy Secretary Ernest Moniz told POLITICO. "How this works out, I don't know. But I do know we need to ... do appropriate analyses when called for that do not have national security being used willy-nilly to accomplish all kinds of goals that are not necessarily the right ones."

Moniz acknowledged Perry had wide latitude under the law to declare a grid emergency, but he said that didn't absolve the administration from needing to prove there's a real crisis on the power grid.

"Reliability and resilience are public goods. We just haven't seen any analysis that suggests that this is a pathway that's needed to address that," he said.

Jason Bordoff, who served as Obama's senior National Security Council aide for energy and climate, said he fears the current fight could drag the real threat of cybersecurity into the political fray.

"The bigger risk would be a very legitimate issue of the cyber vulnerability of the grid becomes politicized because it gets wrapped up in this policy objective to save the coal industry as well as nuclear," said Bordoff, who is now director for the Center on Global Energy Policy at Columbia University.

Even Rep. [Joe Barton](#), a longtime stalwart Perry ally, said he was skeptical of DOE's insistence that the grid was facing a national security threat from the plant closures.

"They're scrounging around for a way to keep some of these nuclear plants and coal plants viable and they're using that particular argument," the Texas Republican said. "To me, it's not persuasive, but I understand what they're trying to do."

There are real national security threats against the electric grid from electromagnetic pulses, physical attacks and cyber intrusions, Barton said, adding that "in most cases, it's a mistake to use a national security argument to keep a plant in operation that normal market forces would probably close."

Other Perry allies weren't sure how effective the Trump administration's strategy would be. GOP lobbyist Mike McKenna, who helped run Trump's DOE transition team, said the agency laid out the "single best set of arguments for preserving coal and nuclear generation." Still, he said, the options laid out in the DOE document probably would not achieve the protection that coal and nuclear advocates are seeking. And the national security arguments didn't seem to be gaining much traction.

"The national security angle has its advantages and its limits — not the least of those is that not too many people can and do make the argument that national security is really impaired by the closure of coal power plants," he said in an email. "It would probably be better if advocates focused on the potential over-reliance on one source (natural gas) in both electricity generation, and, if utilities get their way, in transportation fuels."

FERC shot down a regulation from Perry aimed at protecting the coal and nuclear generators earlier this year, and FERC commissioners told a Senate [hearing](#) last week that the grid faced no imminent threat, drawing praise from industry groups.

Deputy Energy Secretary Dan Brouillette argued that national security has always been DOE's focus, and he said that the agency's critics aren't seeing the whole picture from their industry's silos. "That's what they get paid to do. But that's not what the secretary gets paid to do and we're going to approach this with a broader view," he told POLITICO.

And he shrugged off [comments](#) from FERC commissioners that the electricity markets they oversee were operating efficiently and offered the best way to address security concerns.

"Is the market a factor here at the end of the day? Yes, it is. But we're not in this to have an economics classroom debate about theories of markets," he said. "The markets, in some respects, are not designed to produce a national security outcome."

Brouillette also said the White House had not given it a deadline, and there was no decision yet on whether to invoke any authorities.

"There has been no decision and we're [not] just working backwards," he said. "If we get to the point where there's a proposal or a proposed solution to a problem that we find, then perhaps Congress has a role. But at this point, we're nowhere near that stage."

For FERC and its supporters, countering the DOE claim that national security is at stake may take more than technical arguments. Sarah Ladislaw, who directs the Center for Strategic and International Studies' energy and national security program, said many of the rebuttals from FERC commissioners so far were akin to "bringing a spoon to a knife fight."

"The idea that market efficiency is supposed to trump national security is exactly the reason why national security provisions exist. They're there to protect things that may not make economic sense. ... I think it's an entirely different game from a legal perspective," Ladislaw said. "It's really hard to prove that a national security measure is bogus."

Oregon Sen. [Ron Wyden](#) said he would stick to the economic arguments and pointed out the high potential cost of DOE's proposal, even as the administration sought to change the conversation.

"Around here, if you can trod out national security for just about anything ... the leverage goes to you," he said. But, he added, "I'm pounding the ratepayer issue [because] that's the one issue that I think puts a stake right in the guts of their argument."

And other Democrats are fuming that the agency is even considering the use of its rarely tapped emergency authorities.

"It's about abuse of power. You can't just start claiming a national security justification that clearly has nothing to do with national security, and that's a very dangerous road to go down," said Sen. [Martin Heinrich](#) (D-N.M.).

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[Back](#)

GOP pressure mounts for Pruitt oversight hearing [Back](#)

By Anthony Adragna | 06/14/2018 05:18 PM EDT

Several Senate Republicans — including the chamber's second in command — voiced support Thursday for bringing EPA Administrator Scott Pruitt before the Environment and Public Works Committee for an oversight hearing to discuss his ever-growing number of ethics scandals.

Three more EPW Republicans — [Shelley Moore Capito](#) (W.Va.), [Roger Wicker](#) (Miss.) and [Dan Sullivan](#) (Alaska) — joined their colleagues [Jim Inhofe](#) (Okla.) and [Joni Ernst](#) (Iowa) in [pressing](#) for Pruitt to return to their committee for the first time since January. Their comments add pressure on Chairman [John Barrasso](#) (R-Wyo.) to request that Pruitt make another appearance amid a stream of scandals.

News emerged Wednesday that Pruitt had pressed his staff to ask GOP donors to help find a job for his wife, Marlyn, who later secured a position at a conservative legal group — news that prompted some conservatives to call for his ouster.

"The policies that the administrator has moved forward on have really reaped a lot of benefits in terms of job creation in my state on the energy side, but it just seems like things keep cropping up, so I would agree with

Sen. Inhofe," Capito told POLITICO.

"I'm always happy with oversight opportunities," Sullivan said.

But Barrasso told POLITICO he had "no immediate plans" to call Pruitt back.

Congressional Republicans have expressed concern for months about Pruitt's conduct, but they have stopped short of calling for his resignation, deferring to President Donald Trump. Meanwhile, Democrats on the panel have repeatedly demanded Barrasso call Pruitt to testify.

White House press secretary Sarah Huckabee Sanders said Thursday "certainly we have some areas of concern in some of these allegations" but declined further comment on whether the latest revelation about Pruitt had affected the administration's thoughts on his fate.

Majority Whip [John Cornyn](#) (R-Texas) told POLITICO Pruitt's future rests with the president, but he said he favored holding an oversight hearing.

"The drip drip drip is not helpful — at all," he said.

[Lisa Murkowski](#) (R-Alaska), who oversees the Appropriations subcommittee responsible for funding EPA, also said an oversight hearing was appropriate given the continuing revelations.

"You all keep asking me questions about him," she told POLITICO. "I don't have the answers for him. I think he needs to answer."

The calls for Pruitt's appearance come one day after leading conservatives, including Fox News host Laura Ingraham and National Review, called for his resignation. Inhofe, a longtime ally of the EPA chief, told Ingraham on her radio show Wednesday the allegations "upset me as much as they upset you," and he later [urged Barrasso](#) to hold a hearing to address the issues.

Pruitt has also [drawn rebukes](#) from Ernst and [Chuck Grassley](#) (R-Iowa) for his moves to excuse several refineries from complying with biofuels blending requirements under the Renewable Fuel Standard.

"I support Sen. @JimInhofe's call for a hearing on EPA Administrator Pruitt's scandals; and I continue to urge the President to take a hard look at Mr. Pruitt's actions - as I do not feel that Mr. Pruitt is serving @realDonaldTrump's best interests," Ernst added later in [a tweet](#).

Not all EPW Republicans backed the call for Pruitt's appearance, though several said they would support such a move if Barrasso pursued it.

"If the chairman says that we should do that, then I would be supportive," [Mike Rounds](#) (R-S.D.) told POLITICO.

Darius Dixon contributed to this report.

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[Back](#)

Barrasso promises to bring Pruitt to EPW in August [Back](#)

By Anthony Adragna | 06/19/2018 04:20 PM EDT

Senate Environment and Public Works Chairman [John Barrasso](#) (R-Wyo.) announced today that embattled EPA Administrator Scott Pruitt, currently facing more than a dozen federal investigations, will testify before his committee in August.

The committee did not specify the date Pruitt would appear, and promised further details later. In a statement, Barrasso said "the hearing will give senators the opportunity to ask important questions and hear about the

work being done at the agency."

Barrasso has for months resisted holding a hearing with Pruitt before EPW, the committee tasked with oversight of EPA. Democrats have pushed for him to bring the EPA chief before the committee as scandals around his ethical lapses and lavish spending pile up.

The announcement comes days after POLITICO [reported](#) that at least five Republicans on the panel, including Pruitt ally Sen. [Jim Inhofe](#) (R-Okla.), said it was time for Pruitt to return for testimony.

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[Back](#)

Barrasso: Water resources bill won't come up before July 4 [Back](#)

By Anthony Adragna | 06/19/2018 04:31 PM EDT

Major water infrastructure legislation [S. 2800 \(115\)](#) won't reach the Senate floor until after July 4, but it remains "high on the agenda," according to the bill's lead sponsor.

"It looks like now, with things getting pushed back a bit, it'll have to be after the Fourth of July," Sen. [John Barrasso](#) (R-Wyo.), chairman of the Environment and Public Works Committee, told POLITICO.

Barrasso said he'd discussed the legislation over the weekend with Senate Majority Leader [Mitch McConnell](#) (R-Wyo.), and added lawmakers were working on a "tight time agreement" that would limit floor time on the measure's consideration.

The House cleared its narrower version [H.R. 8 \(115\)](#) of the Water Resources Development Act several weeks ago, while EPW [unanimously advanced](#) its version of the water infrastructure package, America's Water Infrastructure Act of 2018, in late May.

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[Back](#)

POLITICO Pro Q&A: EPA union leader John O'Grady [Back](#)

By Alex Guillén | 07/05/2017 05:00 AM EDT

As president of the union representing the most EPA members, John O'Grady is finding his workers are now a top target for a Trump administration determined on "[deconstruction of the administrative state](#)."

The American Federation of Government Employees Council 238 in Chicago represents 9,000 EPA employees at more than a dozen offices and research facilities around the country, many of whom are worried about the Trump administration's desire to shrink the agency. The White House's budget called for eliminating a quarter of EPA's 15,000-person workforce in 2018 alone, along with \$2.4 billion of the agency's budget.

O'Grady started working for EPA in the 1980s, a turbulent period for the agency, but he left for a job in the private sector after becoming disillusioned with government. He returned in 1990 and has been there ever since. While he does full-time union business now, O'Grady previously worked on pre-treatment of industrial discharge and was once EPA's regional sludge coordinator — although the title is now "biosolids" coordinator, which he jokes "I would have appreciated."

This transcript has been edited for length and clarity.

For the first time this year, we've seen EPA employees calling lawmakers urging them not to confirm an EPA nominee, [Administrator] Scott Pruitt. They're getting more involved than in the past. What's different now?

People understand where this administration is going. We know, for example, from Steven Bannon's talk at [the Conservative Political Action Conference] in [February] that administrators within the agencies are there for one purpose and one purpose only: That's to deconstruct their agencies. It's clear from the proposed budget that they came up with that they're here to deconstruct. This is only year one. We understand it's a process. They're going to try to do what they can to destroy us. And people are very dedicated within EPA to EPA's mission: to protect human health and the environment.

I think that's what's triggering people to come out and, for example, complain about Scott Pruitt as a nominee and try to stop the nomination. I knew it wasn't going to be stopped because of the majority in the Senate. But I was glad to see people expressing their opinion as Americans. Some people on the outside don't think that we should have the ability to do that, but we did not give up our American citizenship when we took the oath of office. We take the same oath the congressional [representatives] and senators take. We still have our personal right to speak. What we do not do, and what I never recommend, is that people, when we do our rallies, when we speak, are on our own time. That's key. We're not using agency equipment, either the phone or the internet or the email to do that.

How do EPA workers react when they hear White House officials saying there's an administrative state or a deep state to talk about career officials they feel are holding them back?

I think to a large extent we're insulted because we've taken the job to protect human health and the environment, and we take it very seriously. When I hear Administrator Pruitt talking about the agency not making decisions on Superfund sites and all that kind of nonsense, nothing is ever mentioned about the fact that our budget has been basically flat — in fact, going down in terms of real dollars over the years. Secondly, they don't mention the fact that our staffing has gone from 18,100 in 1999 down to under 15,000 today. And we have more work than ever to do. It's not appreciated. We're not there to try to stop the administration from doing what it wants. However, if as American citizens we think this administration is trying to kill EPA or end EPA or restrict EPA, then yeah, we're going to speak out as citizens and taxpayers and voters.

Pruitt says there are no plans to close regional offices, despite persistent rumors that Region 5 in Chicago is on the chopping block. Does that reassure you?

It's only year one. And secondly, I believe that was a trial balloon. That got out because I do think there was some effort on the part of the administration at some level saying, 'Hey, let's put this out there and see how people react to it.' And I think they got their answer. That doesn't mean it's off the table.

However, it didn't stop them from the VERA/VSIP [[early retirement and buyout](#) programs EPA plans to push this summer]. That concerns me because that's going to be another 400 people or so that they get rid of, that volunteer to take that. They'll be gone and they won't replace them. Who's going to do their work?

EPA says they'll offer as many as 1,200 early retirement and buyout packages. Are people really interested in taking that?

I would say that their math is off. The comparison is 2014, they spent \$16.2 million, they were able to provide those buyouts to 456 employees. [*More details on that workforce reduction are available in [this inspector general report](#).*]

This year, they're talking about \$12 million; it's from carryover funds. It doesn't equal 1,200 people. It's going to be 400 or less than 400.

Are people taking it? Here's the thing: People who are ready to retire have said to me, 'I'm going to wait to see if I can get a buyout.' So it's not really encouraging more people to leave, but people that are within, say, three months of retirement or maybe even six months. 'Yeah, I'll take a buyout, sure.' That's what's happening. My problem with it is they're not going to hire anybody back in. The hiring freeze is still on. We're losing people. And then this idea that you can do more with less. Well, excuse me — you can't. We're at the point where we're at bare bones, we can't do more for less.

Is anyone delaying plans to leave the agency to protect their job?

I think on one hand, people are pretty sick and tired of being beat up as federal employees. Even under President Obama we had our pay frozen for three years. Congress has been speaking ill of us for a long period of time. There's always some screwball in EPA or SSA or any department or agency ... that acts like a moron. Excuse my language. ... And we don't appreciate that. We don't respect that. The union doesn't want to defend that person. Sometimes we have to, but we don't appreciate what they've done. They've made us look bad. But we're getting tired of being beat up.

And I think some people are just saying, 'Screw it, I'll get out and I'll go work for Sierra Club and get my work done that way.' Whether people are saying, 'I'm going to stay for two years because I want to make sure they don't get rid of my position or my work' — I don't think that's the case. I think people might say, 'I'll take the buyout in 2018, because I'm going to retire anyway.'

Pruitt says EPA can do more with less money. You say you're at a breaking point. Can you expand on that?

The fact is that many states are underwater in terms of their budget. Illinois' a classic example — the state is really in trouble. Their environmental departments are staffed with good people, but they're understaffed. This administration's talking about getting rid of up to 3,800 people, cutting EPA's budget by 30 percent and cutting the state grants by 45 percent. So you want the states to do more; already, they're suffering from their own state budget crisis, from their own understaffing. You're giving them less money. It doesn't add up. It doesn't make sense. It's a non-sequitur.

Are you encouraged when you hear Republicans in Congress say, 'These cuts are too deep. We're going to make some cuts, but nowhere near what has been proposed'?

I'm encouraged the cuts aren't going to be as draconian as this administration would like. But I'm discouraged from the standpoint that we've been starving already, and we really need to look at the agency and say this is really important to the American people. Something like two-thirds of Americans want the EPA, want regulation, they want clean air and clean water. ... And yet this administration is going the direct opposite of that. I would say I would like to see them increase the funding to EPA, which I don't think is going to happen. I'd like to see the increase in staffing, especially because we have an aging workforce. What's going to happen when all of us age out and we don't have any younger people behind us that we are able to pass on our corporate history or corporate mentality or whatever? I don't think that's a good situation.

What's the outlook for the next four years?

The outlook is not good. The outlook is that I plan on being in a fight for the next four years. And why this administration cannot understand that EPA does good work for the American people, that the American people want it — it's just hurting the Republican party and this administration.

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[Back](#)

GOP firm ends controversial media monitoring contract with EPA [Back](#)

By Emily Holden | 12/19/2017 02:22 PM EDT

The Republican media monitoring firm Definers Public Affairs canceled its \$120,000 contract with EPA following a media backlash because of the company's links to GOP opposition research firm America Rising.

Earlier this year, America Rising filed several Freedom Of Information Act requests for communications from EPA career staffers who had been critical of Administrator Scott Pruitt or President Donald Trump. That [included email](#) sent by John O'Grady, a top union official at the EPA, that "mentions or refers to President Trump."

News reports about the two efforts to monitor news coverage about the agency and dig up information about dissenting staffers stirred new accusations that Pruitt is fostering an atmosphere of paranoia and distrust at

EPA.

Definers described the decision to end the contract as mutual, although EPA spokesman Jahan Wilcox would not say whether the agency or company initiated the cancellation.

Definers President Joe Pounder said in a written statement that previous administrations paid for more for slower services, but "it's become clear this will become a distraction. As a result, Definers and the EPA have decided to forgo the contract." He added that the firm will not offer its services to any other federal agencies.

Mother Jones first reported on the contract, and The New York Times documented the ties between Definers and America Rising, which was also started by Pounder.

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[Back](#)

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To: rleber@motherjones.com[rleber@motherjones.com]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Grantham, Nancy
Sent: Fri 12/15/2017 12:13:13 PM
Subject: FW: Request for comment on Definers contract, deadline end of day

The Definers contract is for media monitoring/newsclip compilation.

The contract award was handled through the EPA Office of Acquisition Management.

Thank you.

From: Rebecca Leber <rleber@motherjones.com>
Date: December 14, 2017 at 3:36:29 PM EST
To: Press <Press@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Subject: Request for comment on Definers contract, deadline end of day

Writing to request comment on federal records showing that the EPA has hired Definers Corp., a PR firm associated with GOP campaigns, on a \$120,000 federal contract to conduct media monitoring.

What work was Definers hired for?

Can you comment on Jahan Wilcox's connections to the staff at Definers, and if he or any other staff played a role in facilitating the contract?

My deadline is end of the day, thank you

Rebecca Leber

To: Gray, David[gray.david@epa.gov]
From: Grantham, Nancy
Sent: Mon 1/8/2018 11:12:00 AM
Subject: Fwd: Morning Energy: Crucial day for water fights at Supreme Court — Grid withstands frigid winter blast — Steyer to announce political plans today

Sent from my iPhone

Begin forwarded message:

From: "POLITICO Pro Energy" <politicoemail@politicopro.com>
Date: January 8, 2018 at 5:44:10 AM EST
To: <grantham.nancy@epa.gov>
Subject: Morning Energy: Crucial day for water fights at Supreme Court — Grid withstands frigid winter blast — Steyer to announce political plans today
Reply-To: "POLITICO subscriptions" <reply-fe9713727c65057d71-630326_HTML-814497992-1376319-0@politicoemail.com>

By Anthony Adragna and Kelsey Tamborrino | 01/08/2018 05:41 AM EDT

With help from Annie Snider, Darius Dixon and Alex Guillén

HIGH NOON FOR WATER WARS: The Supreme Court hears arguments this morning in a pair of long-running water disputes between states that will test what role the federal government should play in such conflicts. First up is *Texas v. New Mexico and Colorado*, a case where the federal government intervened on the side of Texas, which argues that New Mexico is allowing its residents to take water that belongs to the Lone Star state under a 1939 compact. A court-appointed special master faulted the federal government's move, writing in an interim report last year that the U.S. overstepped its bounds since it has no claim itself to the water, and should only be allowed to bring claims under reclamation law. The high court today will consider only what the federal government's role should be, not the merits of the water fight itself.

The second case in the double-header is *Florida v. Georgia*, where the federal government took the opposite tack. Even though the Army Corps of Engineers operates a series of dams and reservoirs along the contested Apalachicola-Chattahoochee-Flint River river system, it did not join the litigation when Florida sued Georgia in 2014 to cap its offtake after Florida's prized Apalachicola Bay oyster fishery collapsed. The court-appointed special master in this case ruled last February that Florida showed "real harm" and at least "likely misuse of resources by Georgia," but said that without the federal government's involvement, there was no way to guarantee that a cap on the Peach State's consumption would result in more water for Florida. Justices today decide whether to accept the special master's ruling for Georgia.

More than parochial: It won't just be the parties tangled in these particular water fights who will be watching closely. Water rights have traditionally been the purview of the states, and they have fought hard to keep it that way. As growing populations and fluctuations in supplies stress water basins across the country, states will be watching the justices closely to see how much power the federal government should have in settling these type of fights in the future.

WELCOME TO MONDAY! We're your co-hosts Anthony Adragna and Kelsey Tamborrino, and EPA's Aaron Ringel was first to identify Robert Todd Lincoln as being in the area for three presidential assassinations. For today: Which current congressman served almost ten years on their state's public service commission? Send your tips, energy gossip and comments to aadragna@politico.com and ktamborrino@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@KelseyTam](https://twitter.com/KelseyTam), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

ROOM FOR IMPROVEMENT: EPA staffers offered up suggestions to improve the agency in an internal anonymous survey last year ranging from increasing agency budgets to making it easier for staffers to work from home. The survey obtained by POLITICO showed the majority of the more than 1,400 responses stayed true to traditional bureaucratic grievances, Pro's Alex Guillén reports, but dozens of employees also used the survey to vent frustrations about Administrator Scott Pruitt and the Trump administration. "The only way to increase efficiency at EPA is to increase the budget and allow room for innovative ideas. There is no time or money to focus on innovation because staff are spread too thin," wrote one employee. Others offered some positive comments, but some employees argued that budget cuts would undermine Pruitt's goal of establishing better coordination with the states. And almost 100 workers pressed for greater telework opportunities.

Behind the cloak of anonymity others used the survey as an opportunity to bash the administration's political leadership — two called for Trump to be impeached — with multiple comments expressing dismay at watching Pruitt or Trump bash EPA and praise coal miners. "It would be nice if the administration showed some empathy for us," one employee wrote. The survey, conducted in May 2017, comes as part of EPA's effort to be "more efficient, effective and accountable," according to an all-staff email from Pruitt's chief of staff. EPA spokeswoman Liz Bowman said the agency was taking the survey responses seriously.

PASSED THE TEST: The frigid blast that sent temperatures plunging across the East will start to ease today, but the past few days may have sapped the urgency to act on Energy Secretary Rick Perry's controversial grid resiliency pricing proposal, which argued that the electric system was threatened by extreme cold periods. Still, the cold snap brought a bit of good news for several fuels: coal got to shine in PJM (as natural gas prices soared enough to make it competitive); oil helped save the day as New England showed its wintertime dependence on the niche power fuel; nuclear reactors provided large chunks of power across the Northeast even though a power line outage shut the Pilgrim plant in Massachusetts; and, in PJM, wind power routinely contributed 4,000 megawatts or more.

Perry's plan calls for giving financial support to power plants that keep 90 days' worth of fuel on-site, effectively limiting it to coal and nuclear generation - and to PJM in particular. To press his point, Perry's rule specifically urged FERC to "take action before the winter heating season begins so as to prevent the potential failure of the grid from the loss of fuel-secure generation — as almost happened during the 2014 Polar Vortex." Yet, our recent cold snap, which shot demand in PJM up to around 136,400 MW over the weekend (just 4,100 MW short of the 2014 event) showed that for most of the East, the issue is more about high prices rather than low fuel stocks.

And then there's New England. The region continues to struggle with the impacts of its longstanding infrastructure limits in the winter: power prices are high, natural gas demand for heating required generators to turn to oil-fired electricity production, and last week's storm hindered some resupply of oil. There are four nuclear reactors in New England, and having an onsite fuel requirement wouldn't have kept Pilgrim from tripping offline Thursday.

ISO-New England spokesperson Marcia Blomberg said the region's power system continued "to operate reliably" throughout the weekend but aired a considerable amount of caution. "While the ISO is continually assessing the reliability of the system, other conditions continue to make grid operations difficult," she wrote in an email to reporters Sunday. "Pilgrim Nuclear Power Station remains out of service, some oil-fired generation is nearing emissions limitations, and other power plants are awaiting fuel deliveries that were postponed because of Thursday's storm. But these deliveries will not begin before [today] at the earliest."

HEADS UP! FERC has until Wednesday to take some sort of action on Perry proposed rule to support coal-fired and nuclear power plants. His "grid resiliency proposal" calls for guaranteeing payments to power plants that maintain 90 days of fuel on site. Few observers expect FERC to fully embrace the former Texas governor's proposal, and it's got a wide range of options to consider, from issuing an interim rule to holding a technical conferences or issuing a request for information.

FOR YOUR RADAR: President Donald Trump is due to deliver remarks today at the American Farm Bureau Federation's annual convention in Nashville, and officials expect the administration's effort to eliminate Obama-era regulations, including its intended rewrite of the Obama-era waters of the U.S. rule, to pop up during the speech. "This is an audience that has warmly welcomed the deregulatory agenda pushed by the

President, and I would expect acknowledgment of that on both sides," the National Economic Council's Ray Starling said.

WHAT'S THE FUTURE HOLD? Billionaire environmentalist Tom Steyer makes a big announcement about "his political future and plans for 2018" today at 10:45 a.m. today in Washington (which seems to make a California gubernatorial or Senate bid seem a lot less likely). That comes as he unveiled a number of senior hires at his NextGen America: Heather Hargreaves as executive director and Aleigha Cavalier as communications director, among others.

IZEMBEK ON DECK: The Interior Department has approved a land swap deal that Senate Energy Chairman Lisa Murkowski has been pushing for years, both The Washington Post and New York Times reported this weekend. Interior will allow a remote Alaskan village to construct a 12-mile road through the Izembek National Wildlife Refuge, overruling decades-old wilderness protections, and linking King Cove to an isolated all-weather airport.

In response, the Sierra Club slammed the plan as "disastrous" and urged the administration to reconsider. "Trump and Zinke should instead review the options previously proposed by the Army Corps of Engineers, and develop a solution that meets the needs of local residents while protecting Izembek National Wildlife Refuge," Athan Manuel, the group's land protection program director, said in a statement.

WHITE HOUSE PREPARING SOLAR TRADE DECISION: The White House is readying to unveil an aggressive trade crackdown targeting China and other competitors' alleged unfair practices, POLITICO's Andrew Restuccia and Doug Palmer report, including a decision on whether or not to put a tariff on solar imports. Trump is scheduled to meet with Cabinet secretaries and senior advisers as soon as this week, an administration source said, to begin finalizing trade decisions like the one on solar imports. "Senior aides are also laying plans to use Trump's State of the Union address at the end of the month to flesh out the president's trade vision and potentially preview a more aggressive posture toward China," Andrew and Doug write. Upcoming meetings will shed light on just how aggressive the president plans to be, with aides saying the solar decision isn't expected this week but could come the week after. Read more.

PANEL: OROVILLE DAM DISASTER 'A WAKEUP CALL' FOR DAM SAFETY: Independent investigators probing the cause of last year's dangerous spillway failure at the highest dam in the country that forced the evacuation of nearly 200,000 residents downstream have cited a "long-term systemic failure" by both the state of California and federal regulators. In a 584 page report released Friday, the forensic team pointed to errors dating back to the 1960s when an inexperienced engineer was put in charge of designing the dam's two spillways. The panel said the state put "insufficient priority" on dam safety and too much emphasis on delivering water to the State Water Project, which feeds major agricultural users and big southern California metropolitan areas.

"The fact that this incident happened to the owner of the tallest dam in the United States, under regulation of a federal agency, with repeated evaluation by reputable outside consultants, in a state with a leading dam safety regulatory program, is a wake-up call for everyone involved in dam safety," the panel wrote.

DON'T YOU KNOW EACH CLOUD CONTAINS PEBBLES FROM HEAVEN: The Army Corps of Engineers says it has received a complete application from the developers of the proposed Pebble Mine in Alaska, triggering what will be a years-long process to produce an environmental impact study for the controversial project. Aside from the open-pit mine, the company seeks to build a 230-megawatt natural gas power plant on site, a 188-mile gas pipeline to feed it, an 83-mile transportation corridor to move metal to Cook Inlet, and a permanent export facility. "We believe that as people become more familiar with our proposed project design and the environmental safeguards it incorporates, there will be an increasing degree of support for the project," said Pebble Partnership CEO Tom Collier.

Opponents of the rule will point to EPA's previous work under the Obama administration that concluded mining of any scale was too risky for the world's biggest wild salmon fishery. A court deal between the developers and EPA last year allowed the application with the Army Corps to move forward, but Alaska's governor, independent Bill Walker, has long opposed the mine, saying last October that developers had not proven the project would not risk the fish.

WISCONSIN VIP PLANT CLEARS KEY HURDLE: Foxconn's much-anticipated Wisconsin liquid-crystal display screens plant won a major victory after a pond and roughly 26 acres of wetlands just miles from Lake Michigan were too isolated from larger downstream waters to merit federal Clean Water Act protections, Pro's Annie Snider [reports](#). The project has been touted by Trump, who took credit for the company's investment at a July White House event with the company's chairman. And it's been a major priority for Gov. Scott Walker and House Speaker [Paul Ryan](#), in whose district the facility would be built.

MAIL CALL — JERSEY NO FAN OF DRILLING: Three Democratic New Jersey lawmakers told Interior Secretary Ryan Zinke the draft offshore drilling plan should be "immediately rejected" in a Friday letter. The proposal "shows a complete disregard for New Jersey's economy, environment, and quality of life, and should be immediately rejected," Sens. [Bob Menendez](#) and [Cory Booker](#) and House Energy and Commerce ranking member [Frank Pallone](#), write, citing the need for an "unspoiled coastline" as the state continues to rebuild post-Hurricane Sandy. Read it [here](#).

PALLONE-LED LETTER PUTS FOCUS ON AXED CONTRACT: A group of Democratic lawmakers aired their "outstanding questions" on EPA's [now-canceled](#) contract with the Republican-affiliated Definers Public Affairs on Friday. "Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution," the lawmakers, led by Pallone, wrote to Pruitt. The letter gives Pruitt until Jan. 19 to respond to a series of questions related to Definers role at the agency. Read it [here](#).

BISHOP'S STANDING INVITE: House Natural Resources Chairman [Rob Bishop](#) offered up a standing invitation to Patagonia founder Yvon Chouinard, after he declined an invitation to testify. "Despite your apparent refusal to engage with those who see the world differently than you, I remain committed to hearing all voices and perspectives," Bishop wrote in a Friday [letter](#).

THE SAUDI ARABIA OF SOLAR: A [new report](#) from the Institute for Energy Economics & Financial Analysis zeros in on the Southwest's potential for solar development, particularly in northeast Arizona. The Navajo Nation, the report finds, "is at the center of a region that stands to become a major source of solar-powered generation as part of a trend in which solar is capturing a growing piece of U.S. power-generation markets."

MOVER, SHAKER: Zachary Kahan is joining the House Energy & Commerce Committee staff as the Democratic outreach and member services coordinator. He was previously the advocacy and PAC manager for the American Academy of Child and Adolescent Psychiatry (h/t POLITICO Influence).

— **Kateri Callahan is leaving the** Alliance to Save Energy after 14 years as its president for a yet-to-be-announced efficiency job in the private sector. ASE announced Friday it begins a national search for her replacement.

QUICK HITS

- Iranian oil tanker collides with freighter off China; 32 crew members missing. [Globe and Mail](#).
- Nearly 200 nations promise to stop ocean plastic waste, [Reuters](#).
- Pennsylvania Coal Mine To Close. [NPR](#).
- Sununu opposes Trump administration's offshore drilling plan. [AP](#).
- Trump plan to expand oil and gas leasing in West draws, for the most part, a big yawn from industry. [Los Angeles Times](#).

HAPPENING THIS WEEK

MONDAY

10:45 a.m. — Tom Steyer makes major announcement in Washington regarding 2018 plans, 101 Constitution

TUESDAY

10:00 a.m. — "[DOE Modernization: Advancing DOE's Mission for National, Economic, and Energy Security of the United States](#)," House Energy and Commerce Committee, RHOB 2123

10:00 a.m. — The House Natural Resources Federal Lands Subcommittee holds a hearing on H.R.4532, the "[Shash Jaa National Monument and Indian Creek National Monument Act](#)," 1324 Longworth

10:00 a.m. — "[Taiwan's Energy Challenge: Meeting the Needs to Power Growth](#)," Wilson Center, 1300 Pennsylvania Ave. NW

12:30 p.m. — The American Petroleum Institute holds its annual State of Energy address, Ronald Reagan Building and International Trade Center Atrium Ballroom, 1300 Pennsylvania Ave. NW

6:00 p.m. — "[Lessons Learned from Political Appointees](#)," Women's Council on Energy and the Environment, Dentons, 1900 K Street NW

WEDNESDAY

9:00 a.m. — "[Stories to Watch 2018](#)," World Resources Institute, 10 G Street NE Suite 800

10:00 a.m. — "[America's Water Infrastructure Needs and Challenges](#)," Senate Environment and Public Works Committee, 406 Dirksen

THURSDAY

1:30 p.m. — The Source Water Collaborative hosts a [webinar](#) on source water protection efforts using USDA resources and funding.

4:00 p.m. — "[A Discussion with Dr. Ernest J. Moniz](#)," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

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Stories from POLITICO Pro

EPA staffers suggest room for improvement in anonymous internal survey [Back](#)

By Alex Guillén | 01/08/2018 05:02 AM EDT

EPA employees offered hundreds of suggestions to improve the agency, ranging from increasing budgets to making it easier for staff to work from home, which proponents argued would save both money and the environment, according to the results of an internal EPA survey last year obtained by POLITICO.

The vast majority of [more than 1,400 anonymous responses](#) hewed to traditional bureaucratic complaints or suggestions to improve EPA's programs, but dozens of employees also took the opportunity to vent their frustrations about Administrator Scott Pruitt and the Trump administration's plans to shift EPA's priorities and cut its budget, which many career staffers felt was already too low.

"The only way to increase efficiency at EPA is to increase the budget and allow room for innovative ideas. There is no time or money to focus on innovation because staff are spread too thin," one employee wrote.

The survey was conducted anonymously in May 2017, about three months after Pruitt arrived, as part of the

Trump administration's effort to make EPA "more efficient, effective and accountable," according to an all-staff email from Pruitt's chief of staff. It predates the departure of more than 700 EPA employees, many of whom left following an early buyout and retirement push last year.

A few employees even responded with nothing but positive comments.

"I have no complaints," one staffer wrote. "I think the EPA is doing fantastic work as is."

EPA spokeswoman Liz Bowman said the agency took the survey responses "seriously."

"For example, we are using employee feedback to develop a more productive relationship with the states and improve our procurement procedures so they are more fair and equitable," she said in an email.

Hundreds of workers raised issues with the agency's budget, ranging from how much money EPA gets from Congress to how that money is allocated, according to a POLITICO analysis of the survey results, which were released in response to a Freedom of Information Act request.

Some employees argued that budget cuts would undermine one of Pruitt's top goals: better coordination with the states.

"Dramatically decreasing the budget will only hurt our ability to achieve better environmental results by hampering our ability to travel out into the community or visit the state to foster that relationship and build trust," one wrote. "Phone calls and emails are not a good substitutes [sic] for face-to-face interaction, and a skeleton budget will make travel and that crucial interaction impossible."

More than 100 EPA workers weighed in on the Superfund program, which Pruitt has also identified as a key priority.

One person suggested making the recommendations of two key Superfund advisory groups mandatory, saying it would save time and resources. Other suggestions focused on consolidation, reorganization or delegation to the states to handle most Superfund work.

And almost 100 workers pressed for greater telework opportunities, which they said would save time, money and the environment by cutting down on commuting and would allow the agency to lease less office space.

Some employees took advantage of the survey's anonymity to bash the administration's political leadership — two even called for President Donald Trump to be impeached — with multiple comments expressing dismay at watching Pruitt or Trump bash the agency and praise coal miners.

"It would be nice if the administration showed some empathy for us," one employee wrote.

Another worker called for an end to "this rhetoric of Pruitt coming in and rescuing the states from EPA's grasps. EPA has been partnering with states for decades; maybe the Administration could learn about those partnerships by actually talking to EPA employees." Someone else questioned what respecting states' rights really means. "Does giving more power to states mean agreeing with them on everything[?] Does it mean agreeing with California or New York governors on all positions, or some?"

Not all EPA employees agreed with that point; one wrote that "states view us as their enemies instead of their partners."

Meanwhile, some employees used the opportunity to raise pet peeves.

One person complained that their agency-issued cellphone is a flip phone that has not been upgraded in six years. Smartphones equipped with cameras and other tools would make certain work much more efficient, they said.

Another said that EPA needs to better prioritize its workflow so that employees don't have to put aside "important work" in order to write a response "to a second grade class that wrote a letter to the

administrator."

One worker in their 50s complained that too many EPA employees in their 70s are staying at the agency too long. "They have friends, coffee pots, and muddle through their day," the worker wrote. "A healthy person should plan for retirement and move into the next place in their life, not plan to die at the office."

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[Back](#)

Alaska's long road war [Back](#)

By Andrew Restuccia | 04/04/2014 05:00 PM EDT

In the fall of 1998, Frank Murkowski took to the Senate floor to make an impassioned plea for the authority to build a one-lane gravel road from the isolated southwestern Alaska village of King Cove to a neighboring community with an all-weather airport.

"This is a road to life for the residents of King Cove," he said.

More than 15 years later, his daughter, Republican Sen. Lisa Murkowski — along with the rest of the Alaska congressional delegation — is still fighting for the road, insisting it's the only viable way to ensure that King Cove's 965 largely native Alaskan residents have access to emergency medical care.

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What seems like a simple request is anything but. The proposed road would cut through federally protected wilderness land in the Izembek National Wildlife Refuge, a 315,000-acre sanctuary near the tip of the Alaska Peninsula. And the Interior Department says the road would threaten vulnerable plants and animals that rely on the area's unique ecology.

The oftentimes ugly fight has pitted Alaska politicians against the federal government for decades, sowing mistrust and frustration. It has also reinforced the view of many in Alaska that policymakers in the Lower 48 are out of touch with their needs.

At the same time, the battle has laid bare tensions between Alaskan leaders and conservation groups, which argue that approving the road could set a dangerous national precedent in other protected wilderness areas.

Lisa Murkowski and Alaska Democratic Sen. Mark Begich, who faces a tight reelection fight, are vowing to do everything in their power to win approval for the road, even though the Interior Department rejected the proposal late last year after a four-year analysis.

([PHOTOS: 10 tough Senate races for Democrats](#))

Murkowski is using her position as the top Republican on the Senate Energy and Natural Resources Committee to elevate the issue, expressing her outrage at hearings and in floor speeches and holding a series of news conferences with King Cove residents. She has also [lambasted](#) Interior Secretary Sally Jewell, who [announced](#) the most recent rejection of the road just two days before Christmas.

"I am not willing to let a day go by without raising this as an issue," Murkowski said in an interview.

The road would give King Cove residents access to the larger airport in the nearby community of Cold Bay when extreme weather grounds flights at the smaller King Cove airport. King Cove has a medical clinic, but residents often have to travel to Anchorage for major procedures and emergencies.

The road, proponents argue, is the best solution to the transportation problems that have long plagued isolated King Cove.

Besides its small airport, the town has access by boat across the Izembek Lagoon, but foul weather can make

air and boat travel difficult, residents say. Supporters of the road say at least 19 deaths over the years have resulted from plane crashes or an inability to obtain adequate medical care.

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Della Trumble, a King Cove resident and longtime advocate for the road, said its approval is a matter of life and death.

"I just feel strongly that the human factor far outweighs the wildlife," she said. "We will protect the wildlife. It's who we are."

Trumble and other residents have made dozens of trips to Washington to make their case, telling stories of family and friends who have been hurt or killed trying to get out of the community during storms. Trumble said she watched as her niece was flown out for a medical emergency amid winds of 70 to 80 mph. She said another niece was born on the galley table of a crab boat during an evacuation attempt.

Just this week, an injured fisherman was flown out of King Cove by the Coast Guard, marking the fifth medical evacuation of the year, according to [King Cove officials](#).

But opponents say the road would wreak havoc on the refuge and its wildlife. The refuge hosts more than 200 species, including caribou, grizzly bear and, in the fall, about 98 percent of the world's Pacific black brant. It also has one of the largest eelgrass beds on the planet and was one of the first areas in the U.S. to be designated as a [wetland of international importance](#).

"You can't punch a road through there without doing serious damage," said Don Barry, who served as Interior's assistant secretary for fish, wildlife and parks during the Clinton administration.

In addition, the proposed road faces major legal hurdles. In 1980, Congress designated most of the refuge as wilderness, the highest level of public land protection.

Barry, now a senior official at the conservation group Defenders of Wildlife, said it would be unprecedented to allow a road through a wilderness area. Though the refuge has some old military roads, they were built before the conservation laws were enacted.

Several opponents raised concerns that approving the road would lead to a push for development in other protected areas.

"Once you carve a road of this kind right through the middle of a national wildlife refuge, where does it stop?" former Clinton administration Interior Secretary Bruce Babbitt asked.

Babbitt and other opponents have also suggested that the road could be used for commercial purposes, noting that Peter Pan Seafoods has a cannery in King Cove. "But despite pledges and promises to the contrary, the real purpose for building the road is the same as it ever was: moving fish and workers to and from King Cove's canneries," Babbitt [wrote](#) in the Los Angeles Times last month.

Peter Pan has [rejected](#) those accusations, and Murkowski notes that her legislation calling for approval of the road specifically bars using it for commercial purposes.

The fight over the road burst into public view in the late 1990s, when then-Sen. Frank Murkowski pushed legislation that would allow for approval of the road as part of a land exchange. The bill passed the Senate in 1998 but never passed the House. President Bill Clinton threatened a veto amid concerns about the road's effect on wildlife.

Soon after, then-Sen. Ted Stevens launched into a tense series of negotiations with the Interior Department. The resulting compromise was a \$37.5 million appropriation approved by Congress to improve the King Cove medical clinic and airport and make accommodations for a hovercraft to transport residents to Cold Bay. The hovercraft was used until 2011, but it is being sold because, operators said, it was too expensive to operate.

"Finally it was settled — and now it turns out it isn't," said Babbitt, who worked with Stevens to negotiate the deal and strongly opposed the road.

Within several years, the issue was back on the table. Lisa Murkowski included a provision in a 2009 bill calling on the Interior Department to analyze the road and proposing another land exchange. In exchange for setting aside land in the refuge for the road, the federal government would receive more than 43,000 acres of Alaska state land and more than 13,000 acres of land owned by the King Cove Native Corp.

The provision set off a four-year analysis by Interior that culminated in December with the department's rejection of the road.

"While the proposed land exchange would bring many more acres of land into the Refuge System, the analysis indicates that the increased acreage could not compensate for the unique values of existing refuge lands, nor the anticipated effects that the proposed road would have on wildlife, habitat, subsistence resources and wilderness values of the Refuge," the department said in a statement at the time.

The decision infuriated the Alaska delegation and has strained Murkowski's relationship with Jewell.

After hearing about the decision, Murkowski said she told Jewell, "I cannot forgive the fact that you have delivered this, that you have dashed all hope for the people of King Cove, and the fact that you did this the week of Christmas is absolutely callous and cold-hearted."

Other Alaska lawmakers have similarly taken Jewell to task. "If someone dies out of King Cove, I want you to really think about it and be ashamed of yourself," Rep. Don Young told Jewell at a hearing Thursday.

The road's opponents say viable alternatives exist — a notion that Murkowski and others reject. Opponents also argue that the road, which would snake through isolated land often battered by extreme weather, would pose its own dangers.

At a recent Senate hearing, Jewell said she is committed to working with King Cove residents to find alternatives. During a recent meeting with Begich, she said she will again listen to the community's concerns.

"Jewell committed to reviewing the information that the community plans to provide on the issue and to provide a response to the senators, State of Alaska and the community on their request to reconsider the final decision," Interior spokeswoman Jessica Kershaw said in an email.

Alaska lawmakers face major hurdles toward changing Interior's mind but say they're not giving up.

Begich said in a recent interview that he hopes to attach his bill approving the road to upcoming Interior appropriations legislation. Murkowski vowed to continue hammering away as well.

"This secretary has made a decision, and I think she thought the people of King Cove were tucked far enough away that nobody would be making a big deal about this," Murkowski said. "But I'm not forgetting them, and it's not just an idle threat."

CORRECTION: A previous version of this story offered an incorrect name for the city where King Cove residents sometimes have to travel for major medical procedures.

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[Back](#)

White House preparing for trade crackdown [Back](#)

By Andrew Restuccia and Doug Palmer | 01/07/2018 04:02 PM EDT

President Donald Trump's administration is preparing to unveil an aggressive trade crackdown in the coming weeks that is likely to include new tariffs aimed at countering China's and other economic competitors' alleged unfair trade practices, according to three administration officials.

Trump is tentatively scheduled to meet with Cabinet secretaries and senior advisers as soon as this week to begin finalizing decisions on a slew of pending trade fights involving everything from imports of steel and solar panels to Chinese policies regarding intellectual property, according to one of the administration officials.

Senior aides are also laying plans to use Trump's State of the Union address at the end of the month to flesh out the president's trade vision and potentially preview a more aggressive posture toward China, according to the official.

Aides stressed that the specifics are still in flux, but multiple officials told POLITICO that internal conversations have moved beyond the basic question of whether Trump should take tough trade steps and are now focused on what precise measures the president should impose.

By turning to trade, Trump is returning to a key campaign pledge that many advisers worry he did not deliver on in his first year in office. And with limited prospects for passing legislation, trade is one of a handful of major policy areas on which the president can act without having to rely on Congress.

Aides said the upcoming closed-door trade meetings with the president will help shed more light on his thinking. Trump's senior advisers have been fighting behind the scenes for months over the direction of his trade agenda, but officials on both sides of the debate said it remained unclear exactly how aggressive the president was prepared to be.

One official said the president is "undecided and could come out any number of ways." Still, it is "very likely" that the president will greenlight tariffs of some kind in the coming weeks, the official added, a move that could prompt severe blowback from targeted countries.

Trump has repeatedly expressed frustration to his aides that his administration hasn't taken more aggressive trade steps, and he has encouraged his advisers to present him with options that include harsh tariffs on Chinese imports, according to officials.

The president outlined his thinking on trade during meetings with Republican congressional leaders at Camp David this weekend. Some Republican lawmakers cautioned against going too far on trade, raising concerns about pulling out of the North American Free Trade Agreement, according to people familiar with the Camp David meetings. GOP senators [have made similar arguments](#) during recent meetings with the president at the White House.

A White House spokeswoman did not respond to a request for comment.

Amid widespread concern that the president's impulsive decision-making could spark a trade war, Trump's advisers have been organizing weekly meetings since last spring to weigh their options — including where to set any tariffs and import quotas and how much to single out China — in the various outstanding trade cases in the hopes of presenting the president with well-researched policy proposals.

With an overhaul of the tax code complete, the Tuesday meetings, led by White House staff secretary Rob Porter, have been heating up in recent weeks, with key staffers being tasked with drafting memos and conducting economic analyses of key policy options, according to people who participate in the huddles.

The meetings regularly include key Cabinet secretaries and senior administration officials, including Commerce Secretary Wilbur Ross, Agriculture Secretary Sonny Perdue, Labor Secretary Alexander Acosta, Treasury Secretary Steven Mnuchin, U.S. Trade Representative Robert Lighthizer, trade adviser Peter Navarro, Council of Economic Advisers chairman Kevin Hassett and National Economic Council director Gary Cohn.

Cohn, according to two administration officials, wants to stay in the White House at least long enough to help shepherd the trade decisions to the finish line.

Trump's advisers are deeply divided on trade, with Cohn and others calling for a more moderate, targeted approach, and others, like Navarro, advocating for sweeping actions. In the past, the meetings have sometimes turned into shouting matches, but aides said they have been less tense over the past couple of months.

Trump spent much of the presidential campaign promising to take a tough stance on trade, but some of the president's hard-line allies have privately worried that he hasn't done enough, even though he pulled the U.S. out of the Trans-Pacific Partnership and is renegotiating both the North American Free Trade Agreement and a free trade agreement with South Korea. The president's former chief strategist and now nemesis Steve Bannon and other China hawks have called on him to impose stiff tariffs on the Asian superpower.

After a year of bluster on trade, a series of deadlines will force Trump to decide just how aggressively he is willing to use U.S. trade remedy laws, given the likelihood of retaliation from China, the European Union and other trade partners.

The pending trade actions are controversial, with the potential to cause serious friction with U.S. trading partners and raise questions about Trump's commitment to the rules-based multilateral trading system. But the options are also legal under U.S. trade law, and the amount of any blowback will depend on how restrictive any measure imposed by Trump is and how many countries are hit.

The first major trade action of 2018 is expected very soon, according to aides. Trump faces statutory deadlines to act by late January and early February in two cases involving solar products and washing machines under Section 201 of the 1974 Trade Expansion Act. The solar decision isn't expected this week but could come the week after, aides said.

In the solar and washing machine cases, the U.S. International Trade Commission has already determined that increased imports are "a substantial cause of serious injury to the domestic industry." That gives Trump the legal basis to impose temporary import restrictions to help the affected companies recover.

All four ITC commissioners recommended four years of relief — which could include tariffs or import quotas — in the solar case brought by Suniva and SolarWorld, but they disagreed on how restrictive it should be.

The commissioners unanimously recommended three years of relief in the washing machine case brought by Whirlpool and later joined by General Electric. All four commissioners also recommended setting a 50 percent tariff on imports of more than 1.2 million units. Two commissioners proposed additional lower tariffs on imports within the 1.2-million-unit quota, while two others said they were not needed.

Trump does not have to follow those recommendations and could set tariffs or quotas wherever he wants, within legal limits. He also could decide to exclude some countries from whatever restrictions he imposes if he wants to specifically target China for punishment.

Trump is also facing upcoming decisions in two cases regarding whether current volumes of steel and aluminum imports harm national security by threatening the future of both domestic industries. Ross, the commerce secretary, must formally transmit his recommendations to Trump by Jan. 15 in the steel case and Jan. 22 in the aluminum case.

Once Trump receives the reports, he has 90 days to decide what, if any, action to take. If the Commerce Department finds a national security threat, Trump has a great deal of discretion over what kind of restrictions to impose.

He could slap a duty or quota restrictions on all steel and aluminum imports from all sources, or he could fashion a more tailored set of remedies to help domestic producers while minimizing the pain felt by other sectors of the economy and trading partners.

Broad restrictions would almost certainly be met with retaliation and potentially challenged at the World Trade Organization. It could also trigger copycat actions, with other countries closing their markets to American goods in the name of national security.

In a separate case, Trump has until August to make up his mind in an investigation examining Chinese policies regarding intellectual property, but he is expected to make a decision early this year.

Lighthizer, the U.S. trade representative, is widely expected to find that Chinese practices have forced American companies to turn over valuable technology and reduced the value of their intellectual property.

However, there is some uncertainty about how soon he will propose specific actions against China.

The extent of any action taken by Trump could be determined by the amount of "damages" Lighthizer uncovers in his investigation. The higher the damages, the greater the amount of retaliation Trump could impose in terms of tariff hikes on Chinese goods or restricting Chinese companies from doing business in certain sectors of the U.S. economy.

Lighthizer has also not ruled out bringing action against China at the World Trade Organization if his investigation uncovers what the United States believes to be violations of WTO rules.

Rachael Bade contributed to this report.

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[Back](#)

Army Corps clears wetlands permit for Wisconsin plant touted by Trump [Back](#)

By Annie Snider | 01/05/2018 04:34 PM EDT

The Army Corps of Engineers removed a major regulatory hurdle for a new manufacturing plant hailed by President Donald Trump, declaring that a pond and roughly 26 acres of wetlands on the Wisconsin property just a handful of miles from Lake Michigan aren't subject to Clean Water Act jurisdiction.

Bringing the Foxconn Technology Group plant, which will make liquid-crystal display screens and related products, has been a top priority for Trump and Republican Gov. Scott Walker. During a July White House [event](#) with the company's chairman, Trump took credit for the company's planned investment, saying, "If I didn't get elected, he definitely would not be spending \$10 billion." Also on hand at the event was House Speaker [Paul Ryan](#), whose district the plant will be in, as well as Walker.

Walker and his administration heavily pursued Foxconn, and he convinced the state Legislature to pass a \$3 billion incentive package in September that included exemptions from key state environmental laws. But the project still needed to navigate federal environmental permitting requirements.

Wetlands permitting stood to be one of the biggest hurdles for the project, as it is for many developments with a large footprint. Clean Water Act permits allowing streams and wetlands to be filled are often the most cumbersome and expensive aspects of the process — a factor that has fueled the long fight over the Obama administration's controversial Waters of the U.S. rule that sought to clarify which streams and wetlands get automatic protection under the law following two muddled Supreme Court opinions.

The property selected by Foxconn for the plant includes several water features that could have triggered permit requirements to shrink or move the project and fund mitigation efforts if the waters had been deemed to be subject to federal jurisdiction.

Consultants working for Foxconn formally applied to the Corps for jurisdictional determinations relating to one section of the property on Dec. 7, although the agency said the two parties had been in communication about the site for several months. The next day, Dec. 8, the Corps issued a final determination that the pond and 42 wetlands on that portion of the site were too isolated from larger downstream waters to merit federal protection.

A pair of determinations for another portion of the site containing a stream that flows year round that is subject to federal permitting requirements is still pending, according to Todd Vesperman, Southeast Section Chief in the St. Paul District's Regulatory Branch. He said the swath of the site with the stream would include water features subject to federal protection, while other wetlands there would be outside of federal reach.

Environmental groups have raised concerns about the Corps decision shielding Foxconn from federal permitting requirements. Tressie Kamp, an attorney with Midwest Environmental Advocates, said the group

had not yet decided whether it would sue the Corps, but she argued that it was dangerous to rush into such a sweeping project with so little environmental review.

Steph Tai, a professor at the University of Wisconsin Law School who works with the green group, said he was skeptical about the determination that none of the wetlands were connected to downstream waters, although he didn't have direct knowledge of the site's hydrology. "As a general matter, it would seem like the presence of an actual jurisdictional water on the site, like a tributary, would increase the likelihood of hydrologically connected wetlands elsewhere on the site," he said by email.

Wisconsin once had 10 million acres of wetlands, but today has only half that number. It is one of the handful of states that has stronger state-level protections than those provided by federal law. Following a 2001 Supreme Court ruling that threw into question federal protections for ponds and wetlands that aren't obviously connected to larger downstream waters, Wisconsin put in place its own law protecting such resources at the state level.

But the state Legislature in September passed a special exemption from the state's wetland permitting program, as well as the requirement for an environmental impact statement, a move Walker's administration said would eliminate "duplicative processes." Cathy Stepp, Walker's then-secretary of the Department of Natural Resources, told the Natural Resources board that she wanted to "make sure the regulatory processes and bureaucracy are not in the way of job creation in Wisconsin," according to the Milwaukee Journal-Sentinel.

Stepp was named EPA Regional Administrator for the Great Lakes Region by Trump last month after serving a stint as deputy regional administrator of its Kansas City office.

EPA and Army Corps headquarters in Washington have weighed in on the jurisdictional determinations, as is standard when isolated wetlands are at issue, Vesperman said.

The Wisconsin state Legislature is now considering legislation to roll back its stricter protections over isolated wetlands, effectively making the exemption created for Foxconn permanent. Tracy Hames, executive director of the Wisconsin Wetlands Association, said that would remove protections for 1 million of the state's 5 million remaining wetlands.

"The Foxconn site, you could look at it and say it's just a small little property, it doesn't really matter," Hames said. "But what's left now is being removed without any regulatory oversight. And what that gets us is going the wrong way. We should be really working to get wetlands back on our landscape to help handle the [flood] water that we're having to deal with, not removing them."

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[Back](#)

GOP firm ends controversial media monitoring contract with EPA [Back](#)

By Emily Holden | 12/19/2017 02:32 PM EDT

The Republican media monitoring firm Definers Public Affairs canceled its \$120,000 contract with the Environmental Protection Agency after a media backlash because of the company's links to GOP opposition research firm America Rising.

Earlier this year, America Rising filed several Freedom of Information Act requests for communications from EPA career staffers who had been critical of Administrator Scott Pruitt or President Donald Trump. That [included email](#) sent by John O'Grady, a top union official at the EPA, that "mentions or refers to President Trump."

News reports about the two efforts to monitor news coverage about the agency and dig up information about dissenting staffers stirred new accusations that Pruitt is fostering an atmosphere of paranoia and distrust at EPA.

Definers described the decision to end the contract as mutual, although EPA spokesman Jahan Wilcox would not say whether the agency or company initiated the cancellation.

Definers President Joe Pounder said in a written statement that previous administrations paid more for slower services, but "it's become clear this will become a distraction. As a result, Definers and the EPA have decided to forgo the contract." He added that the firm will not offer its services to any other federal agencies.

Mother Jones first reported on the contract, and The New York Times documented the ties between Definers and America Rising, which was also started by Pounder.

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By Anthony Adragna | 12/18/2017 05:40 AM EDT

With help from Alex Guillén, Eric Wolff and Emily Holden

POISED FOR TAX PACKAGE PASSAGE: Congressional Republicans are poised this week to pass a massive tax package H.R. 1 (115), and the final text that emerged Friday evening was mostly good news for the renewables industry that had been unnerved by provisions in earlier versions. And the package will realize a decades-old GOP dream of opening the Alaska National Wildlife Refuge to oil and gas drilling that Speaker Paul Ryan's office hailed as "a win for American energy" Sunday. Check out some of the highlights via Pro's Eric Wolff and Ben Lefebvre here.

—**Spared:** The final bill leaves wind and solar tax credits untouched, meaning they will continue to be phased down as originally envisioned in a 2015 bill. It preserves a tax break for electric vehicles and restores credits for abandoned oil wells and enhanced oil recovery that the House-passed bill removed. And it keeps a provision allowing utilities to continue to deduct interest on loans without the limitation placed on other businesses.

—**What's on oil's mind?** The bill keeps Senate language permitting the selloff of up to \$600 million in Strategic Petroleum Reserve oil if revenues from opening ANWR drilling come up short of the \$1 billion forecast, as many critics have warned is likely. It adds a provision offering deductions to investors in master limited partnerships, the corporate structure for many pipeline companies. And it temporarily lifts the cap on Gulf of Mexico oil and gas production revenue sharing to facilitate additional coastal restoration and protection projects.

—**Can't stop the BEAT:** Senate taxwriters made an effort to tweak the Base Erosion Anti-Abuse Tax in ways that would help renewable project developers. The tax is intended to keep U.S. profits domestic — but the final version doesn't go far enough to solve the problem in earlier iterations, renewables backers say. The fix in the conference bill allows banks to take 80 percent of the production tax credit and investment tax credit until 2025, but also expands which institutions are affected and makes other tweaks. "We are uncertain how the marketplace will react to the fact that more multi-national firms may now be covered by the BEAT, and tax credits may not all be useable in any given year," Gregory Wetstone, president and CEO of the ACORE, said in a statement. If you really want to get down and dirty with the BEAT and how other parts of the tax bill affected renewable projects, check out this blog post by Keith Martin, the co-head of U.S. projects for the law firm of Norton Rose Fulbright.

—**Not there:** As expected, none of the expired tax credits for small wind, fuel cells, and other "orphans" made it into the finished product. There's some chatter of moving an additional package before breaking for the holidays, but count ME as decidedly skeptical lawmakers will find the energy for such a push.

Timeline on this: Senate Majority Whip [John Cornyn](#) expressed confidence the bill would pass his chamber this week "probably on Tuesday" during an appearance on ABC's "This Week." Pro Tax's Bernie Becker has [an excellent look](#) at how the bill's expected passage is the culmination of half a life's work for a large number of Washington tax insiders.

FINAL SPRINT TO THE HOLIDAYS! I'm your host Anthony Adragna, and Bracewell's Frank Maisano was first up to identify former Alabama Rep. Parker Griffith as the last sitting congressman to switch parties. For today: How many current senators are older than 80? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

SHUTDOWN WATCH: Treasury Secretary Steve Mnuchin isn't expecting a government shutdown at the end of this week, though he said during a Sunday appearance on "Fox News Sunday" he couldn't be sure, POLITICO's Martin Matishak [reports](#). "I can't rule it out, but I can't imagine it occurring," he said. Remember, facing a Friday deadline, lawmakers still aren't sure how much money they'll have to spend in fiscal year 2018 since they haven't reached a spending cap deal. POLITICO's Rachael Bade, Seung Min Kim and Jennifer Haberkorn look at the sticky situation facing the GOP this week [here](#).

Ahead of the deadline, Puerto Rico Gov. Ricardo Rosselló [asked](#) congressional leaders to provide emergency assistance to his devastated island before they skip town for the holidays. "No governor should ever be put in the position of having to deny that hope in the aftermath of a catastrophic disaster due to the inaction of Congress," he said. Lawmakers from Florida and Texas have also been pushing aggressively for disaster relief in this stopgap spending package.

ICYMI: A White House document circulating among agencies and obtained by POLITICO is setting the stage for a solar trade war with China, Pro's Emily Holden [reports](#). The administration appears to be preparing its messaging ahead of setting punitive tariffs on Chinese-made solar power equipment. The tariffs would increase the cost of solar power in the U.S. and could slow expansion of the energy source and eliminate installation jobs. But the White House paper suggests trade barriers may be necessary to foster domestic solar manufacturing, particularly for advanced solar technologies.

The document notes solar power demand in the U.S. and abroad is growing rapidly and argues "federal policies should ensure that the United States can benefit from this expansion." And it argues the administration should consider "the potential negative impact on U.S. energy security of increased reliance on imported energy technology," in carrying out an executive order on energy independence and in developing a response to the Section 201 trade case from the two domestic manufacturers. "China will likely expand its dominance to include advanced solar technologies," the paper says. "U.S. policy should be focused on creating competitive conditions for U.S. companies to thrive in the global marketplace, and compete against China and other solar players."

Suniva, one of the companies seeking the tariffs, issued a statement in response to the article: "Suniva applauds the Trump Administration for championing American manufacturing in the face of cheating by China and its proxies who want to kill American jobs and make America dependent on China for its energy and security needs."

**** A message from the Renewable Fuels Association:** This week marks the tenth anniversary of the Renewable Fuel Standard, helping to provide consumer choice at the pump. The RFS has been an unmitigated success, helping to clean the air, lower gasoline prices, provide greater energy security and boost local economies. Learn more at www.ethanolrfa.org. **

SOMETHING ELSE TO WATCH: President Donald Trump is expected to discuss his National Security Strategy today and his administration will remove climate change from the list of national security threats, The Federalist [reports](#). The Obama administration's Pentagon called climate change a "threat multiplier" and the

former president warned back in 2015: "Climate change constitutes a serious threat to global security, an immediate risk to our national security, and, make no mistake, it will impact how our military defends our country." Secretary of State Rex Tillerson told a Senate committee back in January he didn't consider climate change an "imminent national security threat." According to excerpts, the new document will state: "Climate policies will continue to shape the global energy system... The United States will continue to advance an approach that balances energy security, economic development, and environmental protection."

UNDER SCRUTINY: A lawyer working with America Rising has been filing public records requests for EPA employees who have been critical of Administrator Scott Pruitt's leadership of the agency, the New York Times reports. "This is a witch hunt against E.P.A. employees who are only trying to protect human health and the environment," Gary Morton, an agency employee in Philadelphia, said. That comes as a group associated with America Rising, Definers Public Affairs, has been hired by EPA for "media monitoring" services to track how the agency is being covered.

NYC PLANS 'PEOPLE'S HEARING' ON CLEAN POWER PLAN: After being snubbed by EPA for a public hearing on its plans to repeal the Clean Power Plan, New York Attorney General Eric Schneiderman and New York Mayor Bill de Blasio announced Friday they'll hold a "people's hearing" on the regulation Jan. 9 where they'll hear and compile testimony for the agency. Registration here. ME readers no doubt remember Schneiderman is leading a group of states and localities defending the Obama-era regulation's legality.

DEPARTMENT OF BAD TIMING: Just a few days ahead of a Thursday vote on the future of Georgia Power's two new nuclear reactors at Plant Vogtle, Hartfield-Jackson International Airport suffered an hours-long power failure that grounded thousands of travelers as the holiday travel season kicked into high gear, USA Today reports.

HAPPY ANNIVERSARY! Today marks two years since Congress passed and then-President Barack Obama signed legislation that lifted the crude oil export ban as part of a broader package that also extended prized tax credits for the wind and solar industries.

GREENS SUE OVER EPA'S PLAN FOR TEXAS HAZE: Environmental groups on Friday sued EPA over its federal plan to limit haze-causing pollution from Texas power plants. The rule has was supposed to have been in place by 2007, a delay that prompted a federal court to order a plan be finalized by either Texas or EPA by September. Without a submission from Texas, EPA was forced to finalize a federal version, but environmentalists complained that the Trump administration's plan was a "sham rule" that would not reduce pollution nearly as much as the Obama administration's proposal would have. In addition to a lawsuit in the 5th Circuit Court of Appeals, the groups also submitted a petition for reconsideration to EPA.

KEEP AN EYE OUT: Pro's Alex Guillén notes in Energy Regulation Watch that while the holidays tend to be a slower time for regulatory news, EPA told a federal court this week that its Advance Notice of Proposed Rulemaking for a replacement to the Clean Power Plan will publish "in the upcoming weeks." That notice, which OMB completed its review of on Thursday, sets the stage to replace the Obama-era rule.

PUBLISH THE RULE! Three senior House Energy and Commerce Democrats — Frank Pallone, Paul Tonko and Diana DeGette — aren't pleased by Pruitt's plan to gather more input on the agency's Lead and Copper Rule and urged him to immediately move ahead with a proposed rule. "Administrator Pruitt is hiding this delay behind the guise of a novel consultation process with the states, but the states need to see the proposed rule in order to provide relevant comments," they said in a statement. "The EPA previously pledged to publish a proposed rule to revise the Lead and Copper Rule this month, and therefore we call on Administrator Pruitt to publish the proposed rule immediately."

FOR YOUR READING PLEASURE: POLITICO New York's Keshia Clukey takes a look at how new SUNY Chancellor Kristina Johnson, a former official with the U.S. Department of Energy under the Obama administration, is proposing the use of 21st century innovation to help solve SUNY's fiscal and infrastructure problems. The benefits of making campuses more energy efficient are threefold, she told POLITICO. The lion's share of SUNY's energy use is attributed to its approximately 2,800 buildings — 2,346 of which are state-operated, including academic buildings, hospitals and residence halls. Upgrades could include weatherizing buildings, using more efficient heating and cooling techniques, or even adding solar panels. This

helps the bottom line, saving campuses money, reducing operating costs and giving "local budget relief, which allows them and the presidents to do more for the academic mission, Johnson said. [Read more here](#).

ANYBODY WANT IN? Republicans are struggling to find a top-tier candidate to challenge North Dakota Sen. [Heidi Heitkamp](#) even though she represents a state that was a solid win for Trump, the Associated Press [reports](#). Perhaps the highest-profile potential challenger, Rep. [Kevin Cramer](#), has been reticent about launching a bid even though the president strongly pushed him to run earlier this fall. "I'm not sure that our party fully grasps or understands the magnitude of a campaign against Heidi Heitkamp," former Republican Gov. Ed Schafer said.

PERDUE WRITES GRIJALVA ON GRAND CANYON MINING: Agriculture Secretary Sonny Perdue attempted to reassure House Natural Resources Ranking Member [Raúl Grijalva](#) in a [letter](#) that a recommendation from the administration to look into lifting a moratorium on uranium mining near the Grand Canyon was merely "for consideration" and did not represent a federal action. But that didn't reassure Grijalva: "Opening up new uranium mines or allowing new claims to be filed in this region is a dead issue. Let's drop it and move on once and for all," he said in a statement.

SPOTTED: Interior Secretary Ryan Zinke and his wife, Lola, at Arlington National Cemetery on Saturday morning for the annual Wreaths Across America event. Picture [here](#).

QUICK HITS

- North Cascades grizzly bear recovery work halted by Interior Department. [The Missoulian](#).
- E.P.A. Contractor Has Spent Past Year Scouring the Agency for Anti-Trump Officials. [New York Times](#).
- More than \$600,000 spent on police gear for pipeline protest. [AP](#).
- Coal leases OK'd, suit immediately follows. [Grand Junction Daily Sentinel](#).
- Clean coal plant in Wyoming slated for operation by summer. [AP](#).
- Cuba's Castro and Russian oil executive meet in Havana. [Reuters](#).

HAPPENING THIS WEEK

MONDAY

3:30 p.m. — "[IEA's Coal 2017: Analysis and Forecasts to 2022](#)," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

TUESDAY

10:00 a.m. — Senate Banking Committee [holds vote](#) on nominations including Scott Garrett's to run the Export-Import Bank, Dirksen 538

1:00 p.m. — Environmental and Energy Study Institute hosts a [briefing](#) about the takeaways from the latest global climate talks, Dirksen 562

WEDNESDAY

10:00 a.m. — "[Freight Movement: Assessing Where We Are Now And Where We Need To Go](#)," Senate Environment and Public Works Committee, Dirksen 406

THAT'S ALL FOR ME!

**** A message from the Renewable Fuels Association:** The Renewable Fuel Standard, helping to provide consumer choice at the pump, was signed into law ten years ago this week. Thanks to the RFS, consumers have greatly benefitted in the past decade, with cleaner air, lower gasoline prices and a boost to local

economies. Recently, President Trump's Environmental Protection Agency finalized a strong RFS for next year that maintains the statutory 15 billion gallon requirement for conventional renewable fuels like corn ethanol. President Trump understands that consumers benefit when the RFS is implemented as Congress intended. Learn more at www.ethanolrfa.org. #thankyouRFS **

To view online:

<https://www.politicopro.com/newsletters/morning-energy/2017/12/sizing-up-the-tax-bills-energy-provisions-054933>

Stories from POLITICO Pro

Solar, wind get reprieve in final tax bill [Back](#)

By Eric Wolff and Ben Lefebvre | 12/15/2017 06:57 PM EDT

The [conference tax bill](#) released Friday by Congressional Republicans resolves a slew of issues faced by the energy industry.

— **Wind and solar credits saved:** The final tax bill, [H.R. 1 \(115\)](#), follows the Senate's bill when it comes to the production tax credit and the solar tax credit, meaning both are left untouched. The House bill had proposed reducing the value of the PTC and changing when a project qualified for it, and it had proposed dropping the permanent 10 percent credit for the ITC. Both credits will phase down as agreed to in a deal struck in 2015.

— **MLP benefits added:** It also includes language Sen. [John Cornyn](#) (R-Texas) proposed that would give deductions to investors in master limited partnerships, the corporate structure for many pipeline companies.

— **EVs roll on:** A tax credit for electric vehicles was preserved.

— **Oil recovery restored:** Credits for abandoned oil wells and enhanced oil recovery that were eliminated in the House version were restored in the final bill.

— **Selling off the oil:** The bill retains the Senate language that would sell up to \$600 million in Strategic Petroleum Reserve oil to offset any shortfall from opening up the Arctic National Wildlife Refuge to drilling. The Senate language forecast drilling in ANWR would generate \$1 billion in revenue over 10 years, an estimate critics have said is too optimistic.

— **More revenue sharing:** The bill also temporarily lifts offshore Gulf of Mexico oil and gas production revenue sharing caps to \$650 million annually for fiscal years 2020 and 2021, up from a previous limit of \$500 million, to support coastal restoration and protection projects.

— **Base erosion eased for renewables:** Tax writers created some room to keep banks and other financiers of renewable projects in the game by allowing them to take 80 percent of the credits for the PTC and the ITC.

— **No tax extenders:** Numerous senators have been saying it for weeks now, and the bill makes it official: None of the expired tax credits for small wind, fuel cells, and other "orphans" made it into the conference bill. The extension of the nuclear tax credit that was in the House bill has also been dropped.

— **Utilities still get to deduct interest:** The bill preserves provisions in both the House and Senate versions that allowed utilities to continue to deduct interest on loans without the limitation placed on other businesses.

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[Back](#)

Tax bill a dream come true for some GOP wonks [Back](#)

By Bernie Becker | 12/17/2017 06:58 AM EDT

For the large contingent of Washington supply-siders and tax-cutters, the sweeping tax overhaul that President Donald Trump is poised to sign into law this week has been a generation in coming — and the culmination of half a life's work that started during Ronald Reagan's 1980s.

Grover Norquist, arguably the best-known anti-tax activist in the country, started Americans for Tax Reform at then-President Reagan's request to help marshal support for the 1986 tax overhaul. He's been working ever since to rally support for more tax cuts.

House Speaker Paul Ryan (R-Wis.) for years said his dream job was to be House Ways and Means chairman, a position that would have allowed him to quarterback the sort of tax revamp that his mentor, the late Jack Kemp, helped get through Congress in 1986.

When he became Speaker, Ryan said he was reluctantly passing the title of Ways and Means chairman, and the opportunity to focus attention on tax reform, to Rep. Kevin Brady (R-Texas).

Now, the 2017 tax revamp will bring the American tax system more into lockstep with those conservatives' thinking than perhaps ever before — making the idea that what works for corporate America will work for the country at large a central plank of U.S. policy for decades to come, maybe even a generation or more.

"This tax cut and reform will drive further reforms and reductions for the next 50 years," Norquist said Friday.

The corporate rate would be slashed from 35 percent to 21 percent under the GOP plan, which would also allow businesses to immediately write off investments for five years and scrap Obamacare's individual mandate. In an extra bonus for the right, it also shrinks the deduction for state and local taxes, an incentive that mostly helps blue, high-tax states.

"This is a pretty historical moment for the conservative movement," said Stephen Moore, another of those supply-siders, who has over the years worked at the Club for Growth, The Heritage Foundation and The Wall Street Journal editorial page.

"I've been in this game for 30-some years. This, if it passes, will be the single biggest policy triumph for conservatives since the 1996 welfare reform. It's up there with the '81 Reagan tax cuts," added Moore, who's an informal adviser to the president and, along with fellow supply-sider Larry Kudlow, helped then-candidate Trump craft his tax plan.

The start of the conservative tax-cutting movement is frequently traced back to 1974, when a young economics professor named Arthur Laffer met an equally young Dick Cheney, then a top aide to President Gerald Ford, at a restaurant. Laffer doodled on a napkin the case that cutting taxes can increase revenues for the government, a theory now known as the Laffer Curve.

That case is maybe most famously argued by Kudlow, who worked in Reagan's White House and has spent more than 15 years defending its merits on CNBC. Perhaps even more importantly, Moore said, Kudlow worked overtime to pitch the GOP tax plan to skeptical Republicans like Sens. Susan Collins of Maine) and Bob Corker of Tennessee, both of whom now seem likely to back the measure.

It might be hard to imagine now, but the Republican Party hasn't always been dominated by would-be tax cutters. Former Senate Majority Leader Bob Dole (R-Kan.) once joked that "the good news is that a bus full of supply-siders went off a cliff. The bad news is that two seats were empty," according to "Showdown at Gucci Gulch," the book about the 1986 tax overhaul.

But the supply-side theory eventually won out, if in fits and starts. Reagan's 1981 tax package cut the top individual rate from 70 percent to 50 percent — with the rate getting down all the way to 28 percent in 1986.

Republicans now credit those 1981 tax cuts with sparking years of economic growth, higher wages and job creation. But with the economy floundering in 1982, Dole and other Republicans pushed through a tax increase. And Democrats have long said that there was no trickle in the GOP's "trickle-down economics," pointing to a 1990s economic boom that happened after President Bill Clinton raised taxes.

Conservatives believe the growth had more to do with a cut in the capital gains rate under Clinton's watch, which itself was followed several years later by the two rounds of tax cuts under George W. Bush.

Now, 15 years later, all that work by supply-siders has culminated in a new kind of tax reform, which marries the theory that tax cuts for business will be a boon for the economy with tax reform's customary discarding of various tax incentives that have collected over the years and that they say distort the economy.

Marty Sullivan of Tax Analysts said the 2017 tax overhaul looks more like the 1981 and 2001 tax cuts enacted under Republican presidents, as opposed to tax overhauls in 1969, 1976 and 1986. The 1986 tax reform, while lowering the top corporate rate from 46 percent to 34 percent, actually hiked taxes on corporations to pay for tax relief for individuals, and to keep from adding to deficits.

"Those were all workman-like reforms where the staff and members looked hard for unfair and complicated tax breaks to take out of the code to simplify it, make it fair and reduce rates," said Sullivan, a former economist for both the Treasury Department and the Joint Committee on Taxation. "In this bill, tax cutting is the primary motivation and reform is an afterthought."

The next question is whether this bill will jolt the economy the way its supporters predict. Trump and other top Republicans have said that the economic growth created by the tax cuts will more than offset its current \$1.456 trillion price tag.

But while outside analysts and JCT have found that the Republican tax plan would create hundreds of billions of dollars in new revenue, none of them have found that the plan would come close to paying for itself. On top of that, Democrats are already making it clear that they'll do everything in their power to unwind this year's tax bill, especially if they win back some power in Washington next year.

"One of the lessons of '86 is it's really hard to get tax reform, but it's even harder to keep it," said Douglas Holtz-Eakin, a former Congressional Budget Office director and president of the conservative American Action Forum. "I think it's a concern. The partisan nature makes it ripe for change the moment the Democrats get the opportunity."

For their part, conservatives say they're in better shape than ever to protect the new tax cuts. Republicans were united against former President Barack Obama's efforts to allow Bush-era rates for the wealthy expire, though they weren't successful in the end, and Norquist notes that bipartisan efforts that erased parts of the 1986 tax overhaul came before practically all GOP lawmakers were signing his organization's pledge against tax hikes.

But Moore also called the 2017 tax cuts a "riverboat gamble," echoing the late Senate Majority Leader Howard Baker's thoughts on the 1981 Reagan tax cuts. Their success or failure, Moore added, will have a big impact on whether the supply-siders' influence grows or diminishes over the next generation.

"We say it will work, and they say it won't and this will be put to the test," Moore said. "If this doesn't work, I'll eat some crow."

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[Back](#)

Mnuchin won't 'rule out' a shutdown, but doesn't see one coming [Back](#)

By Martin Matishak | 12/17/2017 10:00 AM EDT

Treasury Secretary Steve Mnuchin on Sunday wouldn't rule out the possibility of a federal government shutdown at the end of the week, but said he doesn't see one coming.

"I can't rule it out, but I can't imagine it occurring," he said on "Fox News Sunday."

"I would expect that both the House and Senate, Republicans and Democrats, understand if they can't agree

on this they need to have another short-term extension to move this to January," Mnuchin added.

"We can't have a government shutdown in front of Christmas," he emphasized.

The government is set to run out of money Friday, unless Congress acts. Lawmakers are expected to take up a funding measure after they deal with the \$1 trillion-plus tax bill early in the week.

House GOP leaders have proposed a partisan funding bill that covers a full year of defense spending at \$640 billion but keeps the doors open at other federal agencies only until Jan. 19. Many of the provisions, however, likely won't pass muster in the Senate, adding to the time crunch.

Mnuchin declined to comment on what impact a shutdown might have on the U.S. economy, but said he "can't imagine sending government workers home for Christmas."

"I hope that Congress gets this done," he said.

The Treasury secretary also declined to weigh in on whether short-term funding bills is the right way to run the government.

"That's something we'll talk about more. ... Hopefully we'll look at reforms for different things next year," he said.

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[Back](#)

GOP leaders in House, Senate endorse conflicting shutdown strategies [Back](#)

By Rachael Bade, Seung Min Kim and Jennifer Haberkorn | 12/17/2017 06:22 PM EDT

Republican leaders in both houses of Congress face a sticky situation this week as they try to avert a government shutdown: Each side has promised its members things that will not fly in the other chamber.

Senate Majority Leader Mitch McConnell (R-Ky.) told moderate Sen. Susan Collins (R-Maine) he'd support passage of legislation by the end of the year to prop up Obamacare insurance markets — so long as she votes for tax reform. That addition, however, puts Speaker Paul Ryan (R-Wis.) in a pickle: His members are loath to be seen as bailing out a health care law they hate.

Ryan, meanwhile, green-lighted a short-term spending strategy that funds the Pentagon but does nothing for Democratic priorities — and suggested House members could leave town to try to "jam the Senate" into accepting their bill. But McConnell needs eight Democrats to pass anything, so the House plan is sure to fail in his chamber.

"Right now, they're just headed straight off a cliff," one person familiar with the negotiations said of the House. "[The] Senate's not likely to jump with them."

Instead of addressing the obvious inconsistencies, GOP leaders have tried to put off the issue and focus on tax reform for now. They're eager to delay internal spending fights until the tax package — which Republicans view as critical to maintaining their congressional majorities in the 2018 midterm elections — reaches the Oval Office for President Donald Trump's signature sometime this week.

"It's going to be a bipartisan [spending] deal; [some House Republicans] are going to be unhappy with that — and you don't want to have the tax issues as the place they decide to retaliate," said Rep. Tom Cole (R-Okla), a member of the House appropriations panel, hinting at House GOP fears that conservatives could hijack tax reform to make a stand on spending issues.

But time is running out, and the GOP's tax-reform tunnel vision has left Republican leaders without a clear strategy for the spending legislation. All this is quietly raising concerns that the government could shut down after Friday, when, short of congressional action, federal coffers are set to dry up.

While Democrats have at times struggled to fend off GOP legislative efforts, this time they have leverage. Democratic leaders Nancy Pelosi of California and Chuck Schumer of New York appear to have backed off immigration demands they initially wanted addressed by the new year, but they're still adamant that any boosts in defense money be matched by increases in domestic spending.

Leaders in both chambers hoped to strike a deal to raise strict spending caps for both by Friday. But the so-called Big Four — Ryan, Pelosi, McConnell and Schumer — have yet to agree on those numbers. The most likely outcome, some Republicans now say, is kicking everything into 2018: They predict another short-term funding bill, leaving a broader spending and immigration agreement until January.

There has been some progress on the immigration front, aides say. A bipartisan group of seven senators met multiple times last week to try and hammer out an immigration deal that combines legislation for Dreamers — hundreds of thousands of whom are losing their temporary work permits and deportation protections due to actions by Trump — with other immigration enforcement measures.

The group includes Democratic Sens. Dick Durbin of Illinois and Michael Bennet of Colorado, and GOP Sens. Jeff Flake of Arizona, Lindsey Graham of South Carolina, James Lankford of Oklahoma, Cory Gardner of Colorado and Thom Tillis of North Carolina. They want to be able to strike a deal on immigration they can subsequently present to their leadership.

It's unclear, however, whether Democrats will go along with pushing major issues into next year, upping the pressure on Republicans to come up with a funding proposal that can avert a shutdown.

First up this week is tax reform. House Republicans expect to pass the tax bill Tuesday morning, huddling for a rare Monday night conference to discuss the final package negotiated with Senate Republicans. After that, the Senate will take up the bill as the House sends them its "continuing resolution" through Jan. 19, which also includes Republicans' much-desired Pentagon funding boost.

The upper chamber is expected to amend the government funding bill and send it back to the House — which is where things could get ugly. Leadership sources in both chambers say the Senate version of the spending bill could include the bipartisan Obamacare stabilization effort, written by Sens. Lamar Alexander (R-Tenn.) and Patty Murray (D-Wash.), to satisfy Collins.

The White House is expected to back that approach because the tax bill repeals another part of Obamacare that conservatives despise: the requirement that everyone carry health insurance.

It's unclear, however, whether even a Trump endorsement would make the Obamacare language on the spending bill palatable to House conservatives. House GOP leaders during a Thursday afternoon conference last week began running the idea by lawmakers — but it didn't go over well. Multiple Republicans encouraged leaders to continue with the "jam the Senate" strategy rather than accepting changes made by the other chamber. GOP leaders said they needed to make sure the conference gives them "flexibility" to negotiate with the Senate.

Privately, senior Republicans say any House plan to stick the Senate with a bill it can't pass would be political suicide. They worry it could lead to a shutdown — which could backfire in the November midterms.

Even more complications could still arise for the spending legislation. Anti-abortion groups with strong connections to House conservatives have said recently that if the bill includes the Obamacare subsidies patch, they want it to also include language barring federal funding for abortions. Senate Democrats, whose votes are needed for passage, would likely push back.

"Any Member voting for the Alexander-Murray proposal, or other Obamacare stabilization legislation not covered by the Hyde amendment, would not only be voting to sustain what many have called the largest expansion of abortion since *Roe v. Wade*, but would also be voting to directly appropriate taxpayer dollars for insurance that includes abortion," wrote Marjorie Dannenfelser, president of the Susan B. Anthony List, in a letter to lawmakers.

Beyond that, lawmakers also have to iron out several less-discussed policy matters that could wind up tied to

the spending bill. One of those includes funding for a popular children's health insurance program whose funding has expired; another includes reauthorizing the government's surveillance authority.

A third has become more than a little contentious: a sorely needed disaster aid package for hurricane-ravaged areas in Texas, Florida, Puerto Rico and the U.S. Virgin Islands.

"We've been told time and time again by the speaker and the House leadership that the supplemental's going to be coming, but it never seems to come," Senate Majority Whip John Cornyn (R-Texas), one of the loudest voices urging for more aid for his home state, said last week. "The can always seems to be kicked down the road. It's a source of more than a little frustration on my part and I think on the entire Texas delegation."

Nonetheless, Trump administration officials and senior Republican lawmakers are publicly confident that funding for the government won't dry up — particularly three days before Christmas. Treasury Secretary Steve Mnuchin told "Fox News Sunday" that while he couldn't rule out the prospects of a government shutdown, "I can't imagine it occurring." And Senate GOP leaders, from McConnell on down, have been adamant that Congress will successfully avert one by the end of the week.

"I think we're determined that it's not going to happen, and it won't happen," Cornyn said late last week.

To view online [click here](#).

[Back](#)

U.S. setting stage for solar trade war with China [Back](#)

By Emily Holden | 12/15/2017 05:13 PM EDT

An unreleased White House document offers the strongest hint yet that the Trump administration is laying the groundwork for punitive tariffs on Chinese-made solar power equipment — a step that would promote the president's "America First" trade agenda while sharply increasing the costs of solar power in the U.S.

The prospect of such tariffs, which President Donald Trump could announce in January, has deeply alarmed the U.S. solar installation industry. It warns that it could lose tens of thousands of jobs if the cost of solar spikes, slowing the booming growth that sun-powered energy enjoyed during the Obama administration.

But the White House is preparing to argue that trade barriers are needed to foster solar manufacturing inside the United States, something it calls important to both national security and the economy, according to a document draft obtained by POLITICO. The paper argues that cheap solar imports allow China to unfairly profit from Americans' use of renewable power and gain influence in the developing world's energy infrastructure.

"While solar energy is forecast to play a larger role in the world's energy mix, other countries stand to benefit significantly more than U.S. workers," says the four-page paper, which is circulating within executive branch agencies for comment.

Trump has not said whether he intends to initiate the trade barriers on solar equipment imports, but he has accused China of "ripping off" the U.S. in international trade and called for the U.S. to become energy dominant by hiking production of oil, natural gas and coal. The new paper is likely to inspire a debate about whether the White House's rhetoric about creating U.S.-based solar manufacturing masks an effort to kneecap a growing, green alternative to fossil fuels such as coal — an energy source that Trump has repeatedly championed on the stump.

While the administration has touted an "all of the above" energy approach, it has instead taken significant steps to bolster fossil fuels, proposing measures to give financial support to coal-fired power plants even as it works to repeal the Obama administration's climate rules for the power industry. It has also pushed to grow U.S. exports of liquefied natural gas, and sent EPA Administrator Scott Pruitt to Morocco this week to promote U.S. gas shipments.

Trump must decide by Jan. 26 whether to institute the tariffs that the U.S. International Trade Commission recommended last month, after two U.S. solar manufacturers, Suniva and SolarWorld Americas, filed complaints accusing Chinese competitors of undercutting them.

Suniva, which is majority owned by a Chinese investor and is in bankruptcy, and SolarWorld, whose German parent is also in bankruptcy, say the flood of solar cells and panels from factories across Asia that are owned by Chinese companies has driven prices too low for them to compete.

Suniva spokesman Mark Paustenbach welcomed the White House's approach.

"Suniva applauds the Trump Administration for championing American manufacturing in the face of cheating by China and its proxies who want to kill American jobs and make America dependent on China for its energy and security needs," he said in a statement Friday.

But the U.S. Solar Energy Industries Association has said the drop in solar panel prices has triggered a boom in sales across the U.S., and establishing high tariffs could eliminate more than a third of the 260,000 solar jobs in the United States. Solar energy prices have tumbled dramatically over the past decade, and large, utility-scale plants in the Southwest are cost-competitive with natural gas and coal-fired power plants now. The industry fears that tariffs would reverse those cost declines, dealing a blow to project developers just as federal incentives for solar power phase out over the next four years.

The companies suing have countered that they believe tariffs could result in a net increase in jobs across the solar industry.

The Office of the U.S. Trade Representative heard from both sides at a hearing earlier this month and will soon send its own report to the White House.

The White House also opposes incentives for renewable energy. The paper advises against the federal and state tax incentives and mandates that have helped fuel the growth of renewable power, saying they are "subsidized by U.S. taxpayers," and "become overseas job creation programs."

The new White House paper says the international solar sector, "including its supply chain and critical minerals requirements, will grow in importance from an economic and energy security perspective," and it cites estimates that the global solar market will expand to \$140 billion in 2023 from \$65 billion in 2015. Chinese companies hold about 80 percent of the solar manufacturing capacity, although the U.S. is the second-largest market for solar energy, the paper says. The U.S. has about 38,000 solar manufacturing jobs, and China has 1.5 million, it notes.

The document says that depending on foreign countries for energy technology imports also jeopardizes U.S. energy independence and dominance.

It suggests the U.S. could focus on advanced solar technologies, rather than current ones already dominated by other countries, but it doesn't offer any potential policies. Trump has announced a review of the nuclear power sector, and the White House document says that might be necessary for solar and other energy sectors.

The White House document claims China has used its "monopoly" to punish U.S. industries that are part of the global supply chain, including by imposing its own tariffs.

U.S. producers "could benefit from moves designed to undermine China's monopoly over much of the sector and generate competition, including steps to revitalize U.S. manufacturing," it says. "Yet questions remain about the scope and extent of those potential benefits, especially in the context of various policy options that, depending on the course chosen could backfire on the U.S. supply chain, while imposing minimal harm on Chinese state-owned enterprises."

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'Time is running out' to slow climate change, Obama tells Coast Guard grads [Back](#)

By Sarah Wheaton | 05/20/2015 01:25 PM EDT

President Barack Obama delivered a somber lecture on the science of climate change to the graduates of the United States Coast Guard Academy on Wednesday as argued that global warming poses a threat to national security.

Obama's call to cut carbon emissions, which emphasized the impact that Arctic ice melt would have on the Coast Guard, came just over a week after he opened Alaska's Arctic Coast to oil drilling — and about seven months ahead of a United Nations summit in Paris at which the president hopes to cement his legacy as a global leader on climate change.

"Climate change constitutes a serious threat to global security, an immediate risk to our national security, and, make no mistake, it will impact how our military defends our country. And so we need to act — and we need to act now," Obama told cadets at an outdoor ceremony in New London, Connecticut. "After all, isn't that the true hallmark of leadership?"

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Bin Laden's 'bookshelf' included 9/11 conspiracy material

[NICK GASS](#)

Though he didn't name a political party or individual, Obama castigated "folks back in Washington who refuse to admit that climate change is real."

Or those, he added, "who will equivocate. They'll say, 'I'm not a scientist.' Well, I'm not either. But the best scientists in the world know that climate change is happening."

Obama cited a Pentagon's assessment that climate change is a "threat multiplier," telling cadets that they will be on the front lines in responding to an increase in climate refugees. He contended that the terrorist group Boko Haram took advantage of drought in Nigeria, and that famine was a factor underlying the civil unrest in Syria.

One of Congress's top climate skeptics, Sen. James Inhofe (R-Okla.), responded by calling Obama's threat assessment a "severe disconnect from reality."

In a statement that cited a litany of issues — including nuclear programs in North Korea and Iran, the military success of the militant groups known as the Islamic State and potential chemical weapons in Syria — Inhofe continued: "The president's repeated failure to understand the real threat to our national security and inability to develop a coherent national security strategy has put this nation at an unknown level of risk with consequences that will span over decades."

Outside of the dire warnings, Obama took on a jaunty tone with the graduates, peppering his speech with inside jokes and references to "Swab Summer," "Rodeo Buffing" — "that looks dangerous," he said, noting that he saw the video — and apparent high jinks committed in campus buildings.

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Hillary Clinton says her Iraq war vote was a 'mistake'

[ADAM B. LERNER](#)

"Which reminds me," he said, "in keeping with longstanding tradition, I hereby absolve all cadets serving

restrictions for minor offenses."

But the majority of the speech was devoted to the challenges this generation of servicemembers will face, from budget cuts to shifting coastlines.

Obama also put special emphasis on a frigid region with potential to become a new global hot spot.

"We're witnessing the birth of a new ocean," Obama said, describing the effect of receding Arctic ice.

A White House [report](#) released Wednesday predicted that as "shorter shipping routes become more accessible and more profitable, increased ship traffic and human activity in the region will require that the United States be more prepared to respond to emergencies in this remote region."

Even as his administration warns about new dangers in the Arctic, his administration gave Shell the green light last week to drill for oil in the Arctic as part of its "all-of-the-above" energy strategy. The move infuriated environmental groups, who've tried to keep the Chukchi Sea off limits to the oil industry and fear a spill would be devastating to the ecosystem.

"The president has made it a real priority to deal with climate change — it's clearly part of the legacy he's building — and saying yes to drilling in the Arctic doesn't fit in that frame," said the Sierra Club's Lena Moffitt. "That's something they're going to have to reconcile."

POLITICO PRO

Full coverage of energy policy

In his speech, Obama emphasized his administration's efforts on the cleaner parts of his energy strategy, noting new standards to double the fuel efficiency of cars, strict new rules for coal-burning plants, and the military's experimentation with solar power and biofuels.

"Today we can be proud that our carbon pollution is near its lowest levels in almost two decades," Obama said, adding that he is committed to doubling the pace of cutting carbon emissions.

"There comes a point where the worst effects will be irreversible, and time is running out," Obama warned. "That's why I've committed the United States to leading the world on this challenge."

Obama is hoping to spearhead history's [most sweeping agreement](#) to curb carbon emissions at a climate conference in Paris in December which would set climate policy decades beyond his tenure.

"If you see storm clouds gathering or dangerous shoals ahead, you don't do nothing. You take action," Obama told the cadets. "Anything less would be dereliction of duty."

Meanwhile, the fate of one the most symbolic environmental issues of Obama's presidency remains open. Asked whether the administration had completed its assessment of the environmental impact of the proposed Keystone XL pipeline, White House spokesman Eric Schultz replied: "That is a policy review that's underway at the State Department."

Elana Schor contributed to this report.

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Tillerson: Climate change isn't 'imminent national security threat' [Back](#)

By Andrew Restuccia | 01/11/2017 05:08 PM EDT

Rex Tillerson challenged assertions that climate change is a major national security threat, arguing that the science linking global warming to destabilizing events around the world isn't conclusive.

"I don't see it as the imminent national security threat that perhaps others do," Tillerson, President-elect Donald Trump's pick for secretary of State, said during a Senate Foreign Relations Committee hearing today.

Asked about the contention by many military officials and scientists that climate change is exacerbating droughts and extreme weather that in turn leads to international tumult, Tillerson said, "The facts on the ground are indisputable in terms of what's happening in terms of drought, disease." But he added, "The science behind the clear connection is not conclusive."

Tillerson also said that the fact that we can't predict climate change with "precision ... doesn't mean we should do nothing."

The former Exxon Mobil CEO said he is opposed to pulling out of international climate talks in part because they give the United States a window into other countries' commitment to slashing emissions.

"I think we're better served by being at that table than leaving that table," Tillerson said.

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Congress approves spending deal lifting oil export ban [Back](#)

By Darren Goode | 12/18/2015 12:03 PM EDT

Congress sent a massive spending deal to the White House Friday that would lift the 40-year-old ban on crude oil exports while extending clean energy tax breaks and preserving President Barack Obama's ability to adhere to the commitments he made as part of the global climate deal reached in Paris this month.

The oil and renewable provisions negotiated as part of the \$1.1 trillion omnibus spending bill represent the most significant energy policy enacted in years, a compromise that delivered major wins to interests on either side of the ideological spectrum. The omnibus sailed through the House 316-113, with the winning votes split virtually evenly among the two parties. The omnibus was packaged with a \$680 billion tax cut package that passed the House Thursday, and the combined bill cleared the Senate, 65-33.

The compromise handed a major victory to Republicans and oil-state Democrats. Sen. Lisa Murkowski (R-Alaska) was the first to call for an end to the Ford-era ban on crude exports early last year, and the campaign quickly accelerated amid falling prices and the impending end to sanctions on Iran's oil industry. But it remains to be seen whether the ban's end will have much immediate impact, amid a global supply glut that has left prices well under \$40 a barrel.

But Democrats gained a big haul in return. The deal [extends](#) and phases out the wind production tax credit until 2020, and phases down the solar investment tax credit until 2022. That should provide a [bridge](#) until the administration's Clean Power Plan takes hold to further boost demand for carbon-free power.

And notably, the bill contains no Republican riders targeting major elements of President Barack Obama's environmental and climate agenda and legacy. It leaves in place EPA greenhouse gas restrictions for power plants and [its Waters of the U.S. rule](#), as well as Interior Department rules on hydraulic fracturing and stream buffer zone controls, among other high-profile initiatives.

The bill also [does not block](#) the administration's ability contribute to the Green Climate Fund, the United Nations-run bank tasked with helping poor countries deal with the effects of climate change, to which Obama has pledged a total of \$3 billion.

House Minority Leader Nancy Pelosi overcame objections from progressive Democrats to lifting the oil export ban, arguing that Republicans' "desperate thirst" to do so led them to give up clean energy provisions that

would "eliminate around ten times more carbon pollution than the exports of oil will add" and preserve the rest of the administration's climate agenda. In the end, just 18 House Democrats opposed the deal.

The lack of riders incensed some coal-state Republicans who said they were promised more by GOP leaders in a final deal. "I feel we were disregarded," said Rep. David McKinley (R-W.Va.), chair of the Congressional Coal Caucus, who voted against the spending deal.

House Appropriations Chairman Hal Rogers (R-Ky.) touted language directing Interior to consult with states on the stream buffer rule and an infusion of economic assistance to clean up abandoned coal mines, especially in Appalachia.

EPA funding would remain flat from last year around \$8.1 billion — which Republicans noted also was the lowest level of funding for the agency since 2008. The Interior Department would receive \$12 billion, more than \$1 billion above last year. The Energy Department would see funding increased across its accounts. And the Army Corps of Engineers would see its budget rise 10 percent.

The White House backed the measure, noting it was "largely free of new unrelated ideological riders" and praised the wind and solar tax incentives as "driving significant reductions in carbon pollution and other dangerous air pollutants and providing certainty for investments in clean energy."

Despite these wins, the overall deal was viewed as a convoluted mixed bag, leading the League of Conservation Voters to decline to include it in its annual scorecard. Groups linked to the Koch brothers, as well as to more liberal environmental groups both opposed the deal, representing dissatisfaction on both poles of the energy-politics divide.

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Not at all

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This email was sent to grantham.nancy@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Hull, George[Hull.George@epa.gov]; jpounder@definercorp.com[jpounder@definercorp.com]
From: Wilcox, Jahan
Sent: Mon 6/19/2017 1:37:53 PM
Subject: FW: Updated Proposal...
[5.22.17 Definers EPA Monitoring Proposal.pdf](#)

George –

I am adding you to this email. Can you please contact Joe Pounder and circle back with me. I believe Definers is able to do morning summaries or morning media matrixs that we can circulate within the agency to interested people and they are also capable of doing live-time alerts 24 hours a day, 7 days a week.

Thank you,

Jahan

From: Joe Pounder [mailto:jpounder@definercorp.com]
Sent: Monday, May 22, 2017 5:26 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Updated Proposal...

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes. Thanks again.

--

Joe Pounder
jpounder@definercorp.com
571-290-5460

Cc: jpounder@definerscorp.com[jpounder@definerscorp.com]
To: Hull, George[Hull.George@epa.gov]
From: William Schenkel
Sent: Fri 7/7/2017 1:52:44 PM
Subject: Re:

Excellent, I'll call you at 11.
Will

On Jul 7, 2017, at 9:47 AM, Hull, George <Hull.George@epa.gov> wrote:

That would be great. One of my colleagues, Nancy Grantham may join us. Will you call me, or should I call you? - George

From: William Schenkel [<mailto:wschenkel@definerscorp.com>]
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Cc: jpounder@definerscorp.com
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Thanks, Will. Could we speak at 2:00 pm today? My number is 202-564-0790. - George

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Subject: Re:

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From: Joe Pounder [<mailto:jpounder@definerscorp.com>]

Sent: Monday, July 03, 2017 4:32 AM

To: Hull, George <Hull.George@epa.gov>

Subject:

George,

Sorry, I just got your message as I've been traveling overseas on business and won't be back until 7/6. We can give a demo but have to customize a Dashboard so we could probably schedule something for late next week? Hope all is well and again sorry for the delay.

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Cc: jpounder@definerscorp.com[jpounder@definerscorp.com]
To: Hull, George[Hull.George@epa.gov]
From: William Schenkel
Sent: Fri 7/7/2017 1:32:09 PM
Subject: Re:

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Cc: Joe Pounder[jpounder@definercorp.com]
To: Hull, George[Hull.George@epa.gov]
From: William Schenkel
Sent: Fri 7/7/2017 12:58:26 PM
Subject: Re:

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Cc: William Schenkel[wschenkel@definercorp.com]
From: Joe Pounder
Sent: Fri 7/7/2017 12:24:28 PM
Subject: Re:

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From: Hull, George
Sent: Fri 7/7/2017 1:47:52 PM
Subject: RE:

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To: wschenkel@definercorp.com[wschenkel@definercorp.com]
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To: William Schenkel[wschenkel@definercorp.com]
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To: Wilcox, Jahan[wilcox.jahan@epa.gov]; jpounder@definercorp.com[jpounder@definercorp.com]
From: Hull, George
Sent: Mon 6/19/2017 1:50:34 PM
Subject: RE: Updated Proposal...

I'll reach out to Joe today. Thanks, Jahan.

George Hull
Acting Principal Deputy Associate Administrator
Office of Public Affairs
U.S. EPA
Tel. 202-564-0790

From: Wilcox, Jahan
Sent: Monday, June 19, 2017 9:38 AM
To: Hull, George <Hull.George@epa.gov>; jpounder@definercorp.com
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jpounder@definercorp.com
571-290-5460

To: Lynn, Tricia[lynn.tricia@epa.gov]
From: Victoria Uren
Sent: Fri 1/5/2018 8:55:16 PM
Subject: Harper's Magazine Inquiry: EPA Budget Questions
[booth transaction record.pdf](#)

Hello Ms Lynn,

I am writing to confirm some financial details concerning two recent EPA contracts.

First, can you verify that a \$24,570 contract was signed with Acoustical Solutions, LLC in August 2017? I have attached a copy of the USASpending.gov transaction record – do you mind confirming that the characterization of the product as "privacy booth for the administrator" is correct?

Second, can you also verify the amount of the contract that was signed between the EPA and Definers, the public-relations company based in Arlington?

I am on a rushed deadline, so if you could come back to me by midday Monday, 1/8, that would be most appreciated. Please don't hesitate to reach out for clarification or further information.

Many thanks for your help. Regards,

Victoria Uren
Editorial Assistant
Harper's Magazine
666 Broadway, 11th floor
New York, NY 10012
north@harpers.org
+1(212) 420-5753

To: Scott Cotter[scotter@definercorp.com]
Cc: Dews, Donna[Dews.Donna@epa.gov]; Joe Pounder[jpounder@definercorp.com]; Julia Cotrone[jcotrone@definercorp.com]
Bcc: Scott, Elaine[Scott.Elaïne@epa.gov]
From: Scott, Elaine
Sent: Tue 12/12/2017 4:20:52 PM
Subject: RE: Contract awarded 12/7/17

Thank you Scott. The original award had this period of performance therefore no additional modification to the award is needed at this time. Work may begin.

Thank you to everyone for getting this procurement completed.

Elaine Scott,

From: Scott Cotter [mailto:scotter@definercorp.com]
Sent: Tuesday, December 12, 2017 11:02 AM
To: Scott, Elaine <Scott.Elaïne@epa.gov>
Cc: Dews, Donna <Dews.Donna@epa.gov>; Joe Pounder <jpounder@definercorp.com>; Julia Cotrone <jcotrone@definercorp.com>
Subject: Fwd: Contract awarded 12/7/17

Hi Elaine,

Please find attached the revised estimate reflecting the 12/7 start date.

Let me know if you need anything else at this time.

Kindest regards.

Scott

----- Forwarded message -----

From: **Scott, Elaine** <Scott.Elaïne@epa.gov>
Date: Tue, Dec 12, 2017 at 8:37 AM
Subject: RE: Contract awarded 12/7/17
To: Julia Cotrone <jcotrone@definercorp.com>, "Dews, Donna" <Dews.Donna@epa.gov>
Cc: "jpounder@definercorp.com" <jpounder@definercorp.com>, "Wilson, Jessica" <Wilson.Jessica@epa.gov>

Good Morning All,

If there is going to be a change in the Period of Performance (POP), no work should transpire between either Definercorp or EPA until such time the contract is modified to correct the POP. A quote with the correct POP on it is needed as well.

Thank you all,

Elaine Scott

From: Julia Cotrone [mailto:jcotrone@definercorp.com]
Sent: Monday, December 11, 2017 3:34 PM
To: Dews, Donna <Dews.Donna@epa.gov>
Cc: jpounder@definercorp.com; Scott, Elaine <Scott.Elaïne@epa.gov>; Wilson, Jessica <Wilson.Jessica@epa.gov>
Subject: Re: Contract awarded 12/7/17

Hi Donna,

Im working with Michael and Nancy to figure out when they will be able to send us the relevant information to get the project started. Most importantly when they will be able to send us the names of the folks who need to receive the clips. We could start as ASAP but right now we would have no one to send the clips to. As soon as we know when they will be able to send us that info well update the cost estimate to reflect that date.

Thanks!

--

Scott Cotter
COO/CFO
Definers Corp
1500 Wilson Blvd.
5th Floor
Arlington, VA 22209
scotter@definerscorp.com
410-615-8409

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: John Siciliano
Sent: Tue 12/19/2017 5:54:01 PM
Subject: media question

Do you have a response to Definers canceling their contract with EPA?

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Joe Pounder
Sent: Fri 5/19/2017 8:27:21 PM
Subject: Monitoring Proposal...
[5.19.17 Definers EPA Monitoring Proposal.docx](#)

Mr. Wilcox,

Please find attached a proposal to do media monitoring for the EPA tailored to the Agency's need for a service focused on key stories that develop throughout the day either online, in print, or on TV. Let us know your thoughts. Happy to expand out if needed or discuss further. Thanks again for the consideration.

--
Joe Pounder
jpounder@definerscorp.com
571-290-5460

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Joe Pounder
Sent: Mon 5/22/2017 9:26:28 PM
Subject: Updated Proposal...
[5.22.17 Definers EPA Monitoring Proposal.pdf](#)

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes. Thanks again.

--
Joe Pounder
jpounder@definerscorp.com
571-290-5460

To: Dennis, Brady[Brady.Dennis@washpost.com]; Bowman, Liz[Bowman.Liz@epa.gov]
From: Wilcox, Jahan
Sent: Tue 12/19/2017 4:55:58 PM
Subject: RE: definers

Just tried to call you

From: Dennis, Brady [mailto:Brady.Dennis@washpost.com]
Sent: Tuesday, December 19, 2017 11:52 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: definers

Hi there,

We might do something short on this Whitehouse/Harris letter asking EPA to cancel its contract with Definers. Just wanted to see if you all wanted to comment in any way?

Appreciate it.

The Washington Post

Brady Dennis
National Staff
Health, Science & Environment
Work: (202) 334-7745
Email: brady.dennis@washpost.com
Twitter: [@brady_dennis](https://twitter.com/brady_dennis)
Stories: <http://wapo.st/2sS5gfK>

To: John Siciliano[jsiciliano@washingtonexaminer.com]
From: Wilcox, Jahan
Sent: Tue 12/19/2017 5:56:33 PM
Subject: RE: media question

“How we consume our news has changed, and we hope to find a vendor that can provide us with real-time news clips at a rate that is cheaper than our previous vendor.”

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Tuesday, December 19, 2017 12:54 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: media question

Do you have a response to Definers canceling their contract with EPA?

To: Hull, George[Hull.George@epa.gov]; jpounder@definercorp.com[jpounder@definercorp.com]
From: Wilcox, Jahan
Sent: Mon 6/19/2017 1:37:51 PM
Subject: FW: Updated Proposal...
[5.22.17 Definers EPA Monitoring Proposal.pdf](#)

George –

I am adding you to this email. Can you please contact Joe Pounder and circle back with me. I believe Definers is able to do morning summaries or morning media matrixes that we can circulate within the agency to interested people and they are also capable of doing live-time alerts 24 hours a day, 7 days a week.

Thank you,

Jahan

From: Joe Pounder [mailto:jpounder@definercorp.com]
Sent: Monday, May 22, 2017 5:26 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Updated Proposal...

Mr. Wilcox,

Please find attached an updated proposal with examples of actual alerts and daily matrix. Please let us know if you have any other questions. Our plan is when it is rolled out to clients, these alerts will be compiled into our Definers Console where they will be also stored and searchable in addition to emailed directly to inboxes. Thanks again.

--

Joe Pounder
jpounder@definercorp.com
571-290-5460

To: Rebecca Leber[rleber@motherjones.com]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Wed 5/23/2018 9:39:52 PM
Subject: RE: Request for comment on Definers contract, deadline end of day

“The Definers contract was for news clip compilation. The contract award was handled through the EPA Office of Acquisition Management and was \$87,000 cheaper than our previous media monitoring vendor while offering 24-7 news alerts once a story goes public.” – EPA spokesman, Jahan Wilcox

From: Rebecca Leber [mailto:rleber@motherjones.com]
Sent: Wednesday, May 23, 2018 5:14 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Request for comment on Definers contract, deadline end of day

We're publishing a followup on the Definers contract from December. Emails obtained via FOIA show the EPA relied only on information provided by Definers to determine whether the \$120k contract was "fair and reasonable."

Can you respond to the charge that EPA "should have engaged in market research, i.e. learning what others are charging for comparable services, at a minimum.”?

Thank you

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Friday, December 15, 2017 7:13 AM
To: Rebecca Leber
Cc: Grantham, Nancy
Subject: FW: Request for comment on Definers contract, deadline end of day

The Definers contract is for media monitoring/newsclip compilation.

The contract award was handled through the EPA Office of Acquisition Management.

Thank you.

From: Rebecca Leber <rleber@motherjones.com>
Date: December 14, 2017 at 3:36:29 PM EST
To: Press <Press@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Subject: Request for comment on Definers contract, deadline end of day

Writing to request comment on federal records showing that the EPA has hired Definers Corp., a PR firm associated with GOP campaigns, on a \$120,000 federal contract to conduct media monitoring.

What work was Definers hired for?

Can you comment on Jahan Wilcox's connections to the staff at Definers, and if he or any other staff played a role in facilitating the contract?

My deadline is end of the day, thank you

Rebecca Leber

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Rebecca Leber
Sent: Wed 5/23/2018 9:13:32 PM
Subject: Re: Request for comment on Definers contract, deadline end of day

We're publishing a followup on the Definers contract from December. Emails obtained via FOIA show the EPA relied only on information provided by Definers to determine whether the \$120k contract was "fair and reasonable."

Can you respond to the charge that EPA "should have engaged in market research, i.e. learning what others are charging for comparable services, at a minimum."?

Thank you

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Friday, December 15, 2017 7:13 AM
To: Rebecca Leber
Cc: Grantham, Nancy
Subject: FW: Request for comment on Definers contract, deadline end of day

The Definers contract is for media monitoring/newsclip compilation.

The contract award was handled through the EPA Office of Acquisition Management.

Thank you.

From: Rebecca Leber <rleber@motherjones.com>
Date: December 14, 2017 at 3:36:29 PM EST
To: Press <Press@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Subject: Request for comment on Definers contract, deadline end of day

Writing to request comment on federal records showing that the EPA has hired Definers Corp., a PR firm associated with GOP campaigns, on a \$120,000 federal contract to conduct media monitoring.

What work was Definers hired for?

Can you comment on Jahan Wilcox's connections to the staff at Definers, and if he or any other staff played a role in facilitating the contract?

My deadline is end of the day, thank you

Rebecca Leber

To: Hull, George[Hull.George@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Joe Pounder
Sent: Wed 6/21/2017 11:19:46 PM
Subject: Re: Media Clip Service

Great. Will give a buzz then. Thanks again.

On Wed, Jun 21, 2017 at 6:03 PM, Hull, George <Hull.George@epa.gov> wrote:

Mr. Pounder,

Yes, 11:30 am would work. I'll look forward to talking with you.

George

From: Joe Pounder [mailto:jpounder@definerscorp.com]
Sent: Wednesday, June 21, 2017 5:58 PM
To: Hull, George <Hull.George@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Media Clip Service

Mr. Hull,

Sorry about that. My schedule was pretty jammed. Are you available at either 10:30am or 11:30am tomorrow? Happy to connect and can just give your number below a buzz. Thanks and let me know what works best.

Joe

On Wed, Jun 21, 2017 at 4:23 PM, Hull, George <Hull.George@epa.gov> wrote:

Mr. Pounder,

I'm following up on a phone message I left you several days ago. As I said in that message, I believe you have corresponded with my colleague, Jahan Wilcox. I'm reaching out to ask to speak with you about services you can offer in capturing media content for us. Please let me know when we can talk. My contact information is below.

George Hull

Acting Principal Deputy Associate Administrator

Office of Public Affairs

U.S. EPA

Tel. 202-564-0790

--

Joe Pounder

jpounder@definercorp.com
571-290-5460

--

Joe Pounder

jpounder@definercorp.com
571-290-5460

To: Hull, George[Hull.George@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Joe Pounder
Sent: Wed 6/21/2017 9:57:41 PM
Subject: Re: Media Clip Service

Mr. Hull,
Sorry about that. My schedule was pretty jammed. Are you available at either 10:30am or 11:30am tomorrow? Happy to connect and can just give your number below a buzz. Thanks and let me know what works best.

Joe

On Wed, Jun 21, 2017 at 4:23 PM, Hull, George <Hull.George@epa.gov> wrote:

Mr. Pounder,

I'm following up on a phone message I left you several days ago. As I said in that message, I believe you have corresponded with my colleague, Jahan Wilcox. I'm reaching out to ask to speak with you about services you can offer in capturing media content for us. Please let me know when we can talk. My contact information is below.

George Hull

Acting Principal Deputy Associate Administrator

Office of Public Affairs

U.S. EPA

Tel. 202-564-0790

--
Joe Pounder
jpounder@definercorp.com
571-290-5460

To: Hull, George[Hull.George@epa.gov]
From: Joe Pounder
Sent: Mon 7/3/2017 8:31:31 AM

George,

Sorry, I just got your message as I've been traveling overseas on business and won't be back until 7/6. We can give a demo but have to customize a Dashboard so we could probably schedule something for late next week? Hope all is well and again sorry for the delay.

--
Joe Pounder
jpounder@definercorp.com
571-290-5460

To: Joe Pounder[jpounder@definerscorp.com]
From: Hull, George
Sent: Thur 7/6/2017 9:21:49 PM
Subject: RE:

Thanks, Joe. The demo next week would be great. Also, is there someone I could speak to tomorrow to get a detailed description of how the 'war room' approach works? I'm trying to get an understanding of the unique benefits of your approach. Thanks, George

From: Joe Pounder [mailto:jpounder@definerscorp.com]
Sent: Monday, July 03, 2017 4:32 AM
To: Hull, George <Hull.George@epa.gov>
Subject:

George,

Sorry, I just got your message as I've been traveling overseas on business and won't be back until 7/6. We can give a demo but have to customize a Dashboard so we could probably schedule something for late next week? Hope all is well and again sorry for the delay.

--

Joe Pounder
jpounder@definerscorp.com
571-290-5460

To: Joe Pounder[jpounder@definerscorp.com]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Hull, George
Sent: Wed 6/21/2017 10:03:08 PM
Subject: RE: Media Clip Service

Mr. Pounder,
Yes, 11:30 am would work. I'll look forward to talking with you.

George

From: Joe Pounder [mailto:jpounder@definerscorp.com]
Sent: Wednesday, June 21, 2017 5:58 PM
To: Hull, George <Hull.George@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Media Clip Service

Mr. Hull,

Sorry about that. My schedule was pretty jammed. Are you available at either 10:30am or 11:30am tomorrow? Happy to connect and can just give your number below a buzz. Thanks and let me know what works best.

Joe

On Wed, Jun 21, 2017 at 4:23 PM, Hull, George <Hull.George@epa.gov> wrote:
Mr. Pounder,

I'm following up on a phone message I left you several days ago. As I said in that message, I believe you have corresponded with my colleague, Jahan Wilcox. I'm reaching out to ask to speak with you about services you can offer in capturing media content for us. Please let me know when we can talk. My contact information is below.

George Hull
Acting Principal Deputy Associate Administrator
Office of Public Affairs
U.S. EPA
Tel. [202-564-0790](tel:202-564-0790)

--
Joe Pounder
jpounder@definerscorp.com
571-290-5460

To: jpounder@definercorp.com[jpounder@definercorp.com]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Hull, George
Sent: Wed 6/21/2017 8:23:24 PM
Subject: Media Clip Service

Mr. Pounder,

I'm following up on a phone message I left you several days ago. As I said in that message, I believe you have corresponded with my colleague, Jahan Wilcox. I'm reaching out to ask to speak with you about services you can offer in capturing media content for us. Please let me know when we can talk. My contact information is below.

George Hull
Acting Principal Deputy Associate Administrator
Office of Public Affairs
U.S. EPA
Tel. 202-564-0790